The result of the vote was then announced as above recorded.

And accordingly (at five o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALDRICH: The petition of Mary A. Blanchard and 195 other women, of Wheaton, Illinois, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

Also, the petition of Field, Leiter & Co. and 56 other firms, importers and consignees of imported goods, of Chicago, Illinois, for the repeal of the immediate-transportation act of July 14, 1870—to the Committee of Ways and Means.

By Mr. BRIDGES: The petition of the president of the National Cigar Manufacturers' Association, against a change of the present method of stamping cigars—to the same committee.

Also, memorial and joint resolution of the Legislature of Nevada, relative to the regulation of interstate railroads—to the Committee on Commerce.

Also, the petition of Mary Byrd Dallas, widow of the late Commodore Alexander James Dallas, of the United States Navy, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. COX, of New York: The petition of J. W. Forshay and 80 others, citizens of New York City, for the redemption of small coin with legal-tenders—to the Committee on Coinage, Weights, and Measures.

By Mr. ELLSWORTH: The petition of Miriam C. Miller, Jesse W. Miller, Marianne S. Morse, Julia A. Roseman, Lucy R. Garbutt, and 40 other women, of Stanton, Michigan, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. HAYES: The petition of Frank Searles and others, for such legislation as will prevent the adulteration of sweets—to the Committee of Ways and Means.

By Mr. McMAHON: The petition of Peter Jordon, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Michael Maher, for an increase of pension—to the same committee.

By Mr. MITCHELL: The petition of women of Allegheny, Pennsylvania, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. MONEY: The petition of Francis M. Albaugh, for a pension—to the Committee on Invalid Pensions.

By Mr. PHELPS: The petition of Mrs. R. E. Ingham and 37 other ladies, of Saybrook, Connecticut, for the enforcement of the law against polygamy—to the Committee on the Judiciary.

By Mr. POTTER: The petition of members of the Monumental Association of Tarrytown, New York, for an appropriation for the erection of a monument to the captors of Major Andre—to the Committee on the Library.

Also, the petition of women of North Castle, New York, against polygamy—to the Committee on the Judicary.

By Mr. POWERS: The petition of James H. Tunks, for a pension—to the Committee on Invalid Pensions.

By Mr. PRICE: The petition of the Women's Christian Temperance Union and 70 others, of Muscatine, Iowa, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

Also, the petition of Mrs. E. A. Pierson and 32 others, of similar import—to the same committee.

Also, the petition of the Women's Christian Temperance Union of Keota, Iowa, and 50 others, of similar import—to the same committee.

Also, the petition of the Women's Christian Temperance Union and 170 others of College Springs, Iowa, of similar import—to the same committee.

By Mr. ROSS: The petition of masters, agents, and owners of vessels engaged in the coasting trade between the Chesapeake Bay and northern ports, for the erection of a breakwater at the mouth of Chincoteague Inlet, Virginia—to the Committee on Commerce.

By Mr. SMITH, of Pennsylvania: The petition of George W. Brintnall—to the Committee on Invalid Pensions.

By Mr. SPARKS: The petition of the women of Greenville, Illinois, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. STEWART: The petition of the Duluth (Minnesota) Chamber of Commerce, for an appropriation for the construction of a wagon-road from Duluth to the boundary-line between the United States and Canada—to the Committee on Appropriations.

By Mr. TOWNSEND, of New York: The petition of the president of the National Cigar Manufacturers' Association, against changing the present method of stamping cigars—to the Committee of Ways and Means.

Also, the petition of C. R. Doolittle and others, that he be appointed a mail agent on the Boston, Hoosac Tunnel and Western Railroad—to the same committee.

By Mr. WILLITS: The petition of 53 women of Alpena, Michigan, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

IN SENATE.

SATURDAY, *February* 1, 1879.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 4468) to abandon a portion of Rock street, in the city of Georgetown, and for other purposes;

A bill (H. R. No. 4579) concerning street railroads in the District of Columbia;

A bill (H. R. No. 4950) to quiet title to real estate in the District of Columbia;

A bill (H. R. No. 5370) to incorporate the Mount Pleasant and Potomac Side Railway Company;

A bill (H. R. No. 5371) to amend the act incorporating the Capitol, North O Street and South Washington Railway Company;

A bill (H. R. No. 6175) to incorporate the Mount Pleasant Railroad Company of the District of Columbia;

A bill (H. R. No. 6259) to incorporate the Washington Eye, Ear, and Throat Hospital;

A joint resolution (H. R. No. 228) authorizing the commissioners of the District of Columbia to receive and report upon unadjusted claims for damage to real estate in the District of Columbia; and

A joint resolution (H. R. No. 229) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes.

HOLMEAD'S CEMETERY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. No. 1108) to protect Holmead's Cemetery, in the District of Columbia.

The amendment of the House of Representatives was read, being to strike out all after the enacting clause of the bill and in lieu thereof to insert:

That all the right and title of the United States to and in square No. 109, in the city of Washington, commonly known as Holmead's Cemetery, be, and the same is hereby, granted to and vested in the District of Columbia, and shall be used by said District for public-school purposes, and for none other. The commissioners of the District, or their successors in office, may at any time sell any part or the whole of said square; but the proceeds of such sale or sales shall be exclusively invested in sites for public schools or in the erection or purchase of school buildings, and shall be used for no other purpose whatever. But before making any disposition of the said square, the District of Columbia shall remove all the bodies remaining interred therein to some suitable burial-ground, together with all tombstones or other monuments remaining at the graves from which the bodies are so removed.

And to amend the title so as to read:

A bill to transfer the title of the United States to square 109 to the District of Columbia for the benefit of public schools thereof.

The amendment was referred to the Committee on the District of Columbia.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, communicating further information respecting the plan of a national survey proposed by the National Academy of Sciences.

The VICE-PRESIDENT. The communication will be referred to the Committee on Appropriations.

Mr. SARGENT. If the communication, which I did not hear distinctly, relates to the cost of executing surveys I ask that it be printed. Is that the subject-matter?

The VICE-PRESIDENT. The Chair thinks not. The Chair understands that there is a communication from the Superintendent of the Coast Survey among the papers transmitted.

Mr. SARGENT. I move that it be printed and referred to the Committee on Appropriations.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting five sheets of drawings to accompany the letter from Captain James B. Eads which was forwarded to the Senate on the 27th of January with a report from a board of officers appointed to examine the works in progress of construction at the mouth of the Mississippi River; which was referred to the Committee on Commerce.

He also laid before the Senate a communication from the Secretary of War, transmitting a communication from the Commissary-General of Subsistence relative to the organization of the Subsistence department as proposed in the bill (S. No. 1491) to reduce and reorganize the Army of the United States, and to make rules for its government and regulation; which was referred to the Committee on Military Affairs.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Attorney-General relative to extravagant damages awarded by local juries in the State courts in cases arising out of the Fox and Wisconsin River improvement act.

The VICE-PRESIDENT. The communication will be referred to the Committee on Commerce.

Mr. SARGENT. Ought it not to go to the Committee on the Judiciary?

The VICE-PRESIDENT. It relates to the Fox and Wisconsin River improvement.

Mr. SARGENT. It refers to the matter of giving jurisdiction to the circuit courts in certain cases named therein.

The communication was referred to the Committee on the Judiciary.

The VICE-PRESIDENT also laid before the Senate a communication from the Secretary of War, transmitting special estimates of appropriations required for the service of the War Department for the fiscal year ending June 30, 1880; which was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Legislature of Colorado, in favor of the passage of the bill providing for the holding of the terms of the United States district court at certain places in that State; which was referred to the Committee on the Judiciary.

Mr. EDMUNDS presented the petition of Mrs. E. B. Stebbins and a large number of other women, citizens of Sheldon, Vermont, praying for the passage of an act making effective the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

Mr. KIRKWOOD presented the petition of Mrs. D. B. Gordon and 67 other ladies, of Nevada, Iowa, praying for the passage of an act making effective the anti-polygamy act of 1862; which was referred to the Committee on the Judiciary.

Mr. WITHERS presented the petition of James B. Brown and 681 others, members of Auburn Mills Grange No. 113, and a large number of farmers of Hanover County, Virginia, praying for a reduction of the tax on tobacco; which was referred to the Committee on Finance.

Mr. SARGENT. I present the memorial of William Coleman & Co., Pope & Talbot, and other firms of San Francisco, California, among whom I recognize the names of many merchants, who style themselves "merchants, ship-owners, and other citizens of the United States," who during the late rebellion paid war premiums to underwriters for insurance against loss in case of destruction or capture by the Alabama or other confederate cruisers. They represent that "the insurance companies having been indemnified for the losses they have been called upon to pay on account of captures or destruction of property by such cruisers, by the extra rates commonly called war premiums, which your memorialists and others have paid, we claim that in justice and in equity so much of the Alabama claims fund as will reimburse the insured citizens of the United States for war premiums so paid, should be applied and disposed of for that purpose; and we respectfully pray Congress to enact such laws as may be necessary to accomplish this end." I believe the legislation appropriate to that prayer has passed the House of Representatives and is now before the Judiciary Committee of the Senate. I hope that we shall have a report at this session in time to act upon it. I move the reference of the memorial to that committee.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented the memorial of Ed. A. Smith, president of the National Cigar Manufacturers' Association, remonstrating against the proposed change in the present method of stamping cigars by attaching a coupon stamp; which was referred to the Committee on Finance.

Mr. McMILLAN presented a memorial of the Chamber of Commerce of Duluth, Minnesota, in favor of an appropriation for the improvement of the wagon-road between Duluth and Nett Lake in that State; which was referred to the Committee on Appropriations.

He also presented the petition of Mary L. Carroll and 3,539 others, citizens of Minnesota, praying for the passage of a law to prohibit the sale of intoxicating liquors in the District of Columbia except for medicinal, mechanical, and scientific purposes; which was referred to the Committee on the District of Columbia.

Mr. HILL presented the petition of J. M. Dodd and others, citizens of Gwinnell County, Georgia, praying for the establishment of a post-route from Duluth to Warsaw, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KIRKWOOD presented the petition of C. C. Horton, of Muscatine, Iowa, praying for a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BOOTH, from the Committee on Patents, to whom was referred the bill (S. No. 1430) for the relief of Daniel M. Cook, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the petition of G. Nelson, daughter of and one of the executors of the estate of W. F. Nelson, deceased, late chaplain of the United States Army, praying to be allowed an amount of money equal to the amount of commutation for quarters and rations claimed to be due to her late father while on duty at Washington Park United States hospital at Cincinnati, Ohio, submitted a report thereon accompanied by a bill (S. No. 1746) for the relief of Emma G. Nelson, executrix, and Aaron H. Nelson, executor of the estate of W. F. Nelson, deceased.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. HOAR. The minority of the Committee on Privileges and Elections, to which committee were referred sundry petitions asking for an amendment of the Constitution forbidding the prohibition of the right of suffrage on account of sex, had leave of the Senate to submit a minority report, which I now present, and I ask that the majority report and the minority report may be printed together.

The VICE-PRESIDENT. That order will be entered.

TRANSFER OF INDIAN BUREAU.

Mr. McCREERY. I present the report of four members of the joint committee appointed by the two Houses of Congress at the last session to take into consideration the expediency of transferring the management of the Indian Bureau from the Interior Department to the War Department. The committee are equally divided. Four members have already submitted their report, and I now submit the report of the others. I ask that it be printed.

Mr. ALLISON. I suggest to the Senator from Kentucky that these two reports be printed in a single volume.

Mr. McCREERY. Certainly.

The VICE-PRESIDENT. That order will be observed.

BILLS INTRODUCED.

Mr. SAUNDERS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1747) to restore records of the Patent Office which have been burned or lost; which was read twice by its title, and referred to the Committee on Patents.

Mr. WINDOM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1748) for the relief of William Webster; which was read twice by its title, and referred to the Committee on Claims.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1749) granting a pension to Thomas J. Anthony; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1750) making appropriations for military roads in the Territory of Idaho; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1751) providing for a military post in Lemhi Valley, Idaho Territory; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. COKE submitted an amendment intended to be proposed by him to the bill (S. No. 1498) to authorize the Secretary of War to contract with the Galveston and Camargo Railway Company for the immediate construction of its line of road to Rio Grande City, opposite Camargo, Mexico, as a coast defense, and for the purpose of establishing a commercial and military rail highway to the Rio Grande; which was referred to the Committee on Railroads, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 6126) to establish post-routes in the several States herein named; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. BECK and Mr. MITCHELL submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5218) to establish post-routes herein named; which were referred to the Committee on Post-Offices and Post-Roads.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 138) for the relief of Henry M. Meade, late paymaster in the United States Navy;

A bill (H. R. No. 1763) to authorize the Secretary of the Interior to invest in the bonds of the United States the unexpended balance of the money appropriated to the L'Anse and Vieux de Sert bands of Lake Superior;

A bill (H. R. No. 2633) for the relief of Amanda M. Cook;

A bill (H. R. No. 4258) for the relief of settlers upon the absentee Shawnee lands in Kansas, and for other purposes; and

A bill (H. R. No. 6270) for the relief of Joseph B. Collins.

The message also announced that the House had passed the following bills:

A bill (S. No. 351) for the relief of the domestic and Indian missions and Sunday-school board of the Southern Baptist convention; and

A bill (S. No. 1662) making appropriation for the purchase of a site and for the erection thereon of a military post at El Paso, Texas.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. No. 5180) to abolish the volunteer navy of the United States, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. C. WHITTHORNE of Tennessee, Mr. BENJAMIN W. HARRIS of Massachusetts, and Mr. JOHN GOODE of Virginia managers at the conference on its part.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had

signed the joint resolution (H. R. No. 162) for the relief of Bushrod B. Taylor and other naval officers; and it was thereupon signed by the Vice-President.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following act and joint resolution:

An act (S. No. 623) to amend section 993 of the Revised Statutes of the United States for the District of Columbia so as to make the 22d day of February a holiday within said District; and

A joint resolution (S. R. No. 27) providing for transportation by the military authorities of John J. Manuel and two infant daughters from Camp Howard, Idaho Territory, to Saint Charles, Missouri.

ABOLITION OF VOLUNTEER NAVY.

The Senate proceeded to consider its amendment to the bill (H. R. No. 5180) to abolish the volunteer navy of the United States disagreed to by the House of Representatives.

On motion of Mr. SARGENT, it was

Resolved, That the Senate insist upon its amendment to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The Vice-President appointed Mr. SARGENT, Mr. ANTHONY, and Mr. MCPHERSON.

HOUSE BILLS REFERRED.

The bill (H. R. No. 6270) for the relief of Joseph B. Collins was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 138) for the relief of Henry M. Meade, late paymaster in the United States Navy, was read twice by its title, and referred to the Committee on Naval Affairs.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. No. 1763) to authorize the Secretary of the Interior to invest in the bonds of the United States the unexpended balance of the money appropriated to the L'Anse and Vieux de Sert bands of Lake Superior;

A bill (H. R. No. 2633) for the relief of Amanda M. Cook; and

A bill (H. R. No. 4258) for the relief of settlers upon the absentee Shawnee lands in Kansas, and for other purposes.

PRIVATE LAND CLAIMS.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the bill (S. No. 376) to provide for ascertaining and settling private land claims in certain States and Territories. This bill was referred to the Committee on Private Land Claims on the 6th of December, 1877, and reported with an amendment on the 20th of May, 1878, by myself, under the direction of that committee. As it involves interests important to the United States and to the settlers in sundry southwestern Territories, and as I think it will only occupy a very short time, I ask the Senate to take it up.

The VICE-PRESIDENT. Is there objection?

Mr. VOORHEES. Is not the bill on the Calendar?

Mr. EDMUNDS. It is on the Calendar, and was reported on the 20th of May last.

Mr. VOORHEES. We have not yet reached the Calendar in the order of business.

Mr. EDMUNDS. No, sir; the Calendar comes up at one o'clock.

Mr. VOORHEES. Do I understand the Senator to say that he thinks the consideration of this bill will not take much time?

Mr. EDMUNDS. I think it will not, because it meets the unanimous approval of the committee, and it is a matter of detail and regulation. I had the impression, therefore, that it would probably be disposed of without any serious discussion.

Mr. VOORHEES. I do not want to antagonize the Senator's bill, but I simply remind him that there is also upon the Calendar a bill with a report in its favor that was reported to this body eleven months ago, it will now soon be a year. I make no objection to the bill being taken up.

The VICE-PRESIDENT. To the request of the Senator from Vermont the Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Private Land Claims with an amendment.

Mr. EDMUNDS. Although the amendment is very like in many respects the original bill, as it is a complete redraft, I presume there will be no objection to reading the amendment in place of the bill.

The VICE-PRESIDENT. The substitute will be treated as the original bill.

The amendment reported from the Committee on Private Land Claims was read, being to strike out all after the enacting clause of the bill and in lieu thereof to insert the following:

That it shall and may be lawful for any person or persons, or their legal representatives, claiming lands within the limits of the Territory derived by the United States from the Republic of Mexico and now embraced within the Territories of New Mexico, Wyoming, Arizona, or Utah, or within the States of Nevada or Colorado, by virtue of such lawful Spanish or Mexican grant, concession, warrant, or survey, as the United States are bound to recognize by virtue of the treaties of cession of said country by Mexico to the United States, which, at the date of the passage of this act, have not been confirmed by act of Congress, or otherwise decided upon by lawful authority, in every such case to present a petition, in writing, to the judge of the district court of the United States in a State or Territory for the judicial district in which such lands may be situate, setting forth fully the nature of their claims to the lands, and particularly stating the date and form of the grant, concession, warrant, or order of survey under which they claim, by whom made, the name or names of any person or persons in possession of or claiming the same, or any part thereof, otherwise than by the lease or permission of the petitioner; and, also, the quantity of land claimed, and the boundaries thereof, where situate, with a map showing the same, as near as may be; and whether the said claim has heretofore been confirmed, considered, or acted upon by Congress, or the authorities of the United States, or been heretofore submitted to any authorities constituted by law for the adjustment of land-titles within the limits of the said Territory so acquired, and by them reported on unfavorably or recommended for confirmation, or authorized to be surveyed or not; and praying in such petition that the validity of such title or claim may be inquired into and decided. And the said courts respectively are hereby authorized and required to take and exercise jurisdiction of all cases or claims presented by petition in conformity with the provisions of this act, and to hear and determine the same, as hereinafter provided, on the petition and proofs in case no answer or answers be filed after due notice, or on the petition and the answer or answers of any person or persons interested in preventing any claim from being established, and the answer of the district attorney, where he may have filed an answer, and such testimony and proofs as may be taken; and a copy of such petition, with a citation to any adverse possessor or claimant, shall, immediately after the filing of the same, be served on such possessor or claimant in the ordinary legal manner of serving such process in the proper State or Territory, and in like manner on the district attorney of the United States; and it shall be the duty of the United States attorney for the proper district, as also any adverse possessor or claimant, after service of petition and citation, as hereinbefore provided, within thirty days, unless further time shall, for good cause shown, be granted by the judge or court to whom said petition is presented, to enter an appearance, and plead, answer, or demur to said petition; and in default of such plea, answer, or demurrer being made within said thirty days, or within the further time which may have been granted as aforesaid, the court shall proceed to hear the cause on the petition and proofs, and render a final decree according to the provisions of this act; and in no case shall a decree be entered otherwise than upon full legal proof and hearing; and in every case the court shall require the petition to be sustained by satisfactory proofs, whether an answer or plea shall have been filed or not.

SEC. 2. That all proceedings subsequent to the filing of said petition shall be conducted as near as may be according to the rules of the courts of equity in the proper Territory or court of the United States in the States, except that the answer of the attorney of the United States shall not be required to be verified by his oath, and no continuance shall be granted unless for good cause shown; and the said courts shall have full power and authority to hear and determine all questions arising in said case relative to the title of the claimants, the extent, locality, and boundaries of said claim, or other matters connected therewith, fit and proper to be heard and determined, and by a final decree to settle and determine the question of the validity of the title and the boundaries of the grant or claim presented for adjudication, according to the law of nations, the stipulations of the treaty concluded between the United States and the Republic of Mexico, at the city of Guadalupe Hidalgo, on the 2d day of February, A. D. 1848, or the treaty concluded between the same powers at the City of Mexico, on the 30th day of December, A. D. 1853, and the laws and ordinances of the government from which it is alleged to have been derived, and all other questions properly arising between the claimants or other parties in the case and the United States, which decree shall in all cases refer to the treaty, law, or ordinance under which such claim is confirmed or rejected; and in all cases the party against whom the judgment or decree of said district court may be finally rendered shall be entitled to an appeal to the supreme court of the proper Territory, or if the case be in a United States court in a State, to the Supreme Court of the United States, which shall be taken and allowed in the manner now prescribed by law for taking appeals from said courts; which Supreme Court shall retry the cause, as well the issues or questions of fact as of law, and may hear testimony in addition to that given in the court below; and either party shall be allowed one year in which to appeal from the decision of the supreme court of such Territory or the district court in a State to the Supreme Court of the United States, in which court every question shall be open, and whose decision shall be final and conclusive; and should no appeal be taken, the judgment or the decree of the said district court shall in like manner be final and conclusive, as also the decision of the supreme court of the Territory unless appealed from.

SEC. 3. That the testimony which has been heretofore lawfully and regularly received by the surveyor-general of the proper Territory or State, or by the Commissioner of the General Land Office, upon all claims presented to them respectively, shall be admitted in evidence in all trials under this act when the person testifying is dead, so far as the subject-matter thereof is competent evidence; and the court shall give it such weight as, in its judgment, under all the circumstances, it ought to have.

SEC. 4. That it shall be the duty of the Commissioner of the General Land Office of the United States, the surveyors-general of such Territories and States, or the keeper of any public records who may have possession of the records and testimony pertaining to any land-grants or claims for land within said States and Territories, in relation to which any petition shall be brought under this act, on the application of any person interested, or by the attorney of the United States for either of said Territories or districts, to furnish copies of such records and testimony, certified under his official signature, with the seal of office thereto annexed, if there be a seal of office; which copies, if the originals are not within the jurisdiction of the court, shall have the same effect as testimony that the originals would have if produced. The legal fees shall be paid for such copies by the parties applying for the same, except the attorney of the United States.

SEC. 5. That the provisions of this act shall extend only to such claims as may be presented and filed within three years from the date of its passage; and all petitions under this act may be presented in vacation or term-time, but the final hearing on the same shall be had and the final decree rendered only at the regular terms of the district courts; and the judges of said district courts and the supreme courts in the said Territories are hereby authorized, in vacation, in all cases arising under this act, to grant all orders for taking testimony, or otherwise to hear and dispose of all motions, and do all other things necessary to be done to bring the same on to a final hearing.

SEC. 6. That upon the final decision of any claim prosecuted under this act, in favor of the claimant or claimants, it shall be the duty of the clerk of the court in which such final decree is had to transmit a duly certified copy of the decree to the surveyor-general of the proper Territory, who shall thereupon cause the lands specified in said decree to be surveyed at the expense of the United States. Triplicate plats and certificates of the survey so made shall be returned into his office, one of which shall remain in his office, and one, duly authenticated, shall be delivered, on demand, to the party interested therein, and one shall be sent to the Commissioner of the General Land Office; on receipt and approval of which survey and plat by said Commissioner, the President of the United States shall issue a patent to said claimant, subject to the provisions of this act; but one-half the necessary expense of making such survey and plat shall be paid by the claimant, and

shall be a lien on said land, which may be enforced by sale of so much thereof as shall be necessary for that purpose, after a default of payment thereof for six months next after the approval of such survey and plat; and no patent shall issue until such payment.

SEC. 7. That the clerk of the court in which such petition may be filed shall, and he is hereby directed, when any petition or claim is filed under the provisions of this act, before any proceedings thereon, subject to the direction of a judge, to require reasonable security for all costs and charges which may accrue thereon in prosecuting the same to a final decree; and the district attorney, clerk, marshal, and witnesses shall severally be allowed such fees for their services and attendance as may be allowed by law for the like services and attendance in the United States courts for the proper State or Territory.

SEC. 8. That it shall be the duty of the attorney of the United States for the proper Territory, in every case when the decision or decree of the district court is against the United States, to appeal the cause to the supreme court of the Territory; and if the decision of the latter court be against the United States, a copy of the decree, with a statement of the legal questions involved, shall be transmitted by the district attorney to the Attorney-General; and in like manner he shall transmit a copy of the decree in any case in the district court in a State, and, unless the Attorney-General shall otherwise direct, the district attorney shall appeal the cause to the Supreme Court of the United States.

SEC. 9. That if in any case it shall so happen that the lands decreed to any claimant under the provisions of this act shall have been sold or granted for a valuable consideration by the United States, it shall be lawful for such claimants, or their legal representatives, at any time within one year after the rendition of the final decree in their favor, to execute and file, in the office of the Commissioner of the General Land Office, a release to the United States of all right, title, or claim to the land so sold or granted by the United States; and thereupon there shall be issued by the said Commissioner, (under such regulations as may be prescribed by the Secretary of the Interior,) to such claimant or his legal representatives, scrip for an equal amount of acres so released in quantities not exceeding six hundred and forty acres each, which scrip shall be assignable in such form as may be prescribed by said Secretary, and shall be receivable in payment for any public lands in either of said Territories or States respectively that may be subject to private entry.

SEC. 10. That the provisions of this act shall extend to any city lot, town lot, village lot, farm lot, or pasture lot held under a grant from any corporation or town to which lands may have been lawfully granted for the establishment of a city, town, or village by the Spanish or Mexican government, or the lawful authorities thereof; but the claim for said city, town, or village shall be presented by the corporate authorities of the said city, town, or village, or, where the land upon which said city, town, or village is situated was originally granted to an individual, the claim shall be presented by or in the name of said individual.

SEC. 11. That all claims which are capable of being prosecuted under the provisions of this act shall, after three years from the taking effect of this act, if no petition in respect to the same shall have been filed as hereinbefore provided, be deemed and taken, in all courts and elsewhere, to be abandoned, and shall be forever barred.

SEC. 12. That all the foregoing proceedings and rights shall be conducted and decided, subject to the following provisions, as well as to the other provisions of this act, namely:

First. No claim shall be allowed that shall not appear to be upon a title lawfully and regularly derived from the government of Spain or Mexico, or, if incomplete, one that at the date of the acquisition of the territory by the United States the claimant would have had a lawful right to make perfect, had the territory not been acquired by the United States, and that the United States are bound, upon the principles of public law, or by the provisions of the treaty of cession, to respect and permit to become complete and perfect.

Second. No claim shall be allowed that shall interfere with or overthrow any just and unextinguished Indian title or right to any land or place.

Third. No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals, unless the grant claimed under provided for and effected the donation or sale of such mines or minerals to the grantee; but all such mines and minerals shall remain the property of the United States, with the right of working the same, which fact shall be stated in any patents issued under this act.

Fourth. No claim shall be allowed for any land the right to which has hitherto been lawfully acted upon and decided by Congress, or under its authority.

Fifth. No proceeding, decree, or act under this act shall conclude or affect the private rights of persons as between each other; all which rights shall be reserved and saved to the same effect as if this act had not been passed; but the proceedings, decrees, and acts herein provided for shall be conclusive of all rights as between the United States and all persons claiming any interest or right in such lands.

Sixth. No confirmation of or decree concerning any claim under this act shall in any manner operate or have effect against the United States otherwise than as a release by the United States of its right and title to the land confirmed; nor shall it operate to make the United States in any manner liable in respect of any such grants, claims, or lands, or their disposition, otherwise than as herein provided.

Seventh. No confirmation shall in any case be made or patent issued for a greater quantity than eleven square leagues of land, to or in the right of any one original grantee or claimant, nor for a greater quantity than was authorized by the respective laws of Spain or Mexico applicable to the claim.

SEC. 13. That section 8 of the act of Congress approved July 22, A. D. 1854, entitled "An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," and all acts amendatory or in extension thereof, or supplementary thereto, and all provisions of law inconsistent with this act, be, and the same are hereby, repealed.

Mr. SARGENT. This is a very important bill, and I do not think it ought to pass without at least an explanation. I think there ought to be a very careful examination before we pass this bill.

Mr. EDMUNDS. I will make all the explanation I can that any gentleman requires. The bill is designed to settle the land titles derived from the Spanish and Mexican governments only, in the Territories and States of the United States that came to the dominion of the United States from the governments either of Spain or of Mexico. Part of these Territories we obtained from Spain through France, part we obtained from Spain directly; and part we obtained from Spain through Mexico, which is the largest part. This is only a provision such as was made for California, with such changes as experience has proved to be necessary to enable the United States to perform the duty that it undertook to perform by the treaties through which it acquired dominion over this country, and that is, to recognize and protect rights of property derived from the governments from whom we obtained these Territories.

The necessity for such legislation I need hardly speak about. It has been attempted to be obviated in these Territories hitherto for many years by a variety of empirical contrivances—if I may use such a term—of having surveyors-general and recorders of land titles, and all sorts of executive people take evidence and report to the General Land Office, and so on, and allow confirmations or rejections to be made upon that. The evils of that method have been discovered to be enormous. If a claim was rejected under that method of investigation, the claimant was never satisfied, and year after year he or his grantees or assignees or heirs would continually apply to Congress to confirm the grant which the executive officers under the law had already rejected; and like most cases of such application persistence at last would very frequently win, when if the case had been determined upon judicial principles and in a judicial court where there was no outside elbowing and button-holing and pressure and sympathy, there is not one in ten of them probably that have ever been confirmed by Congress which were originally rejected by the executive officers that would have been allowed, or should have been.

Experience also has demonstrated very largely in cases of these confirmations of particular grants by Congress, that Congress very often was led into confirming a grant to a particular ranch or claim by name instead of by metes and bounds. The consequence has been discovered to be in many instances to make grants a hundred times greater than the original grant was intended to be by the Spanish or the Mexican governments; but the act of Congress having used a description that was capable of such elasticity as a description by name is, there was no help for it, and these people got the land. Several cases of that kind have been discovered in the courts through disputes between private persons, where the fraud turned out to be enormous.

Then, on the other hand, in respect of the cases that the surveyors-general and the Commissioners of the General Land Office have confirmed, it has been too frequently discovered that the surveyors-general and the local officials whoever they were who had to do these things in these distant Territories and at the land offices, and so on, would either through prejudice, or ignorance, or bias, or something worse, allow a case on paper to be made up of the validity of a claim which had no real foundation at all, and would send on the certified statements of their findings, &c., to the General Land Office in the Interior Department, where everything would appear to be perfectly fair, and get a patent in that way.

These Territories, particularly Arizona and New Mexico, where the largest part of these unadjusted claims now exist, are rapidly settling up through the introduction of railroads and otherwise, and the necessity for the peace and prosperity of these Territories, and the good order of society, of having the land titles quieted, is of course very great.

The original draught of the bill proposed commissioners in the fashion of the original California proceeding. The committee thought, after a careful investigation, after hearing the views of the Department of the Interior, the views of Senators and Delegates from these Territories, the views of many claimants of claims themselves, who claimed to be owners of these grants, that it was better for all parties concerned, in respect of speed as well as in respect of the due administration of justice between them all, to begin at once in the district courts of the Territories, or where it happens to be in a State, of which there are a very few instances, in the United States district court for the State, for the reason that if you begin with commissioners every case has to be reported to the district court, or may be appealed there, where it is retried as an open case upon the evidence as well as upon the questions of law that arise. The committee all thought that it was much better in respect of economy and diligence as well as safety to have the territorial district courts and the district courts of the United States in the States take original jurisdiction of these matters and proceed upon ample notice to everybody, never *ex parte* in the sense of taking anything for granted, always upon proof, to determine all these questions.

That explains in a general way the nature and object of the bill.

Mr. COCKRELL. I should like to suggest an amendment to the Senator from Vermont, on page 15, line 55, of the first section, where the substitute reads:

> And in default of such plea, answer, or demurrer being made within said thirty days, or within the further time which may have been granted as aforesaid, the court shall proceed to hear the cause on the petition and proofs, and render a final decree according to the provisions of this act.

I do not think that the district attorney ought to be intrusted with the power of permitting a default to be entered against the Government. I think that the default should be only as to other contestants or claimants, and that the district attorney ought to be made to defend on the part of the United States.

Mr. EDMUNDS. We do make it so in another part of the amendment.

Mr. COCKRELL. I know; but in the sentence above, in lines 49 and 50, the district attorney and the adverse claimants are required to file their plea or answer demurrer within thirty days; and in default of that then certain proceedings are to be had. That would apparently give the district attorney power to suffer a default.

Mr. EDMUNDS. I see the point of my honorable friend's observation; but I think if he will read the whole clause he will see that we have provided against it in every way that it can be provided

against with justice to a claimant. Beginning at the foot of page 14 we read,—notice being served upon the district attorney—

It shall be the duty of the United States attorney for the proper district, as also any adverse possessor or claimant, after service of petition and citation, within thirty days or such further time as may be allowed, to enter an appearance, and plead, answer, or demur.

In default of that, that is, if they do not do it, what then? That the petition shall be taken as confessed? By no manner of means. In default of that—

The court shall proceed to hear the cause on the petition and proofs, and render a final decree. * * * and in no case shall a decree be entered otherwise than upon a full legal proof and hearing.

Mr. COCKRELL. I understand that point, but I refer to the clause "in default of such plea, answer, or demurrer on the part of the district attorney or any adverse possessor or claimant." I think that ought to be limited to the adverse possessor or claimant, and that the district attorney ought not to be placed in such a position that he can permit a default to be taken against the Government.

Mr. EDMUNDS. The consequence of putting it in the way the Senator proposes would be this: if there was ever so just a claim, or no matter whether the claim was just or unjust, if opposing interests desired to have it heard and disposed of, and the district attorney through negligence or corruption or any other cause should be induced not to enter an appearance and file an answer, the case would be hung up and the court could not take another step. The Senator does not mean to do that.

Mr. COCKRELL. Make it his imperative duty to file an answer, and then if he does not do it the court could take action in the matter. I presume if forced to do it, however corrupt he might be, he would not exhibit his corruption by a violation of a plain statute.

Mr. EDMUNDS. Well, here is the plain statute, which says it shall be his duty to file an answer, and that may be essential to justice; and if, in despite of its justice, positively commanded by law, the district attorney for any reason does not file an answer, the provision is that the case shall not thereby be hung up and the original claimant or the original opponent prevented from having a hearing. The substitute provides that then the case shall go on, but it shall not go on upon any defaults, upon any confessions, but only upon full legal proof and hearing. I think the Senator on reflection will see that it would be highly unjust to make even the wrongful misconduct of the district attorney in failing to perform his duty a means of suspending proceedings in the cause to the injury of all the claimants.

Mr. GARLAND. I wish to offer an amendment.

The VICE-PRESIDENT. Does the Senator from Missouri offer an amendment?

Mr. COCKRELL. I made a suggestion. I think the bill ought to be amended in that way; but I will not offer any amendment until the other is disposed of.

The VICE-PRESIDENT. The Senator from Arkansas [Mr. GARLAND] proposes an amendment, which will be read.

The SECRETARY. The amendment is to strike out, in line 35, section 2, page 16, after the word "and," the words:

And may hear testimony in addition to that given in the court below.

Mr. GARLAND. I offer the amendment more for the purpose of getting some explanation from the Senator from Vermont. Upon principle I am opposed to making the Supreme Court anything but what the Constitution contemplates it to be, that is, a court of review entirely. I think it is not good policy that new matter should be brought before that court and bushels of testimony heard which could as well be heard in the court below.

Mr. EDMUNDS. That subject was considered very carefully by the committee, and it was discussed by people from the Interior Department and by gentlemen having claims there, and we gave a very full hearing to it; and we thought, owing to the very extensive area of many of these claims in New Mexico and Arizona, some of them I believe covering more than a hundred thousand acres of land, that inasmuch as the district court of the Territory has jurisdiction which is composed, as the Senator will remember, of a single judge, a territorial judge, it would not be safe in some of these cases of such very large consequence to the public as well as to the claimants to make the finding of facts and the hearing of witnesses final in a court held by a single judge in some distant part of a Territory, and that in a proper case of appeal to the Supreme Court it should be open to a full rehearing. We all came to that conclusion in the interest of protecting just claimants and protecting the rights of the United States against the enormous influences that in some of these tremendous grants might be brought to bear to get a legal decision of a court composed of one judge.

Mr. GARLAND. It struck me that the jurisdiction already given to the Supreme Court to review both the issues of fact and of law was sufficient. I could not very well think this was an exceptional case where we should provide for the Supreme Court hearing testimony. I am willing, however, to withdraw the amendment on the explanation of the Senator from Vermont.

Mr. EDMUNDS. I will say in reply to my friend further as to the Supreme Court that, according to the course of practice in that court, unless we expressly require it by law, though every question is open on the record, they would not retry the facts unless we authorized it.

Mr. SARGENT. The general object of this bill has my most hearty concurrence. It is certainly a great necessity of the Territories and State mentioned here that these land titles should be settled, but it is very important that the settlement should be such that only lands which belong to the claimants shall be confirmed to them. In my own State I think, under the system devised before, the result was that a large proportion or a considerable proportion of the grants were fraudulent, and recently a case was before the Supreme Court where a patent has not yet been issued, but there was an attempt to set aside a judgment on the ground that the papers were forged after the admission of the State into the Union, and, consequently, there could not have been any grant from the Mexican government, but the Supreme Court held that the judgment was binding, bound the Government, and, notwithstanding this obvious fraud was proposed to be shown, that it could not be shown and thereby protect the Government and the people of the United States.

In the case of California the system was the appointment of a commission and an appeal from them to the United States district court, and thence to the United States Supreme Court. It seems to me that very little safeguard is left in this bill where the whole jurisdiction of the first United States court or of the commission is given to a district judge who receives but $2,500 a year to pass upon all these important questions. I should like to have the attention of the Senator who reports this bill to the fact that the judge in whose hands this great power is to be placed receives but $2,500 a year for his services. You cannot get the highest order of talent—I say nothing of integrity—for such a price as that in the Territories or in the States, and it seems to me it is too much power to put in the hands of a man whose services, he being a lawyer, can be procured for so small a sum.

In some of the Territories the amount of business created by this bill will be enormous. The dockets will be crowded with these petitions. One feature of this bill should be, I think, that until this class of cases is disposed of or a reasonable time is allowed for their disposition, a higher salary should be paid to these judges, or else the bill ought to create a special tribunal to try these cases. I am not in favor of trying again the experiment of a commission, for I believe the proceedings on the former commission were extremely loose, and almost anything in the nature of a grant went readily and easily through their hands to confirmation, so far as they were concerned. Perhaps a judge, where the proceedings are more formal before him and who is accustomed to give reasons for decisions, would be a better tribunal to try such cases; but certainly not a judge who receives so small pay as we give to our territorial judges.

Another proposition of this bill, it seems to me, is in conflict with the decision of the Supreme Court in the Mariposa case. It is years since I have seen that decision; but I think the court there decided that mineral lands, even if they were claimed as mineral claims as they were in that case as mining claims, go with the grant and should be patented to the claimant provided he is entitled to the land. That is my recollection of the decision in that case; and although I do not now recollect the reasoning of the court, it seems to me that the position they took was that the laws of Mexico under which these grants were made contemplated that mineral lands should pass by the grants.

That decision of the Supreme Court, whether good law or not—and I am bound to presume it was good law—was wholesome, so far as preserving the peace of communities in California was concerned. If the owner of land is not entitled to everything which it contains, but any one else may enter upon it to search for or develop that which it contains, there at once arises a conflict of interest amounting in some cases in my State where it has arisen between agricultural claimants and mining claimants to bloodshed. The peace of communities has been disturbed, and more property destroyed perhaps than the mines were worth in the eagerness of men to acquire, where the right was doubtful and the courts could not step in at once and decide it.

This seems to me to be a license to persons, where minerals may be found, to enter upon land which has been patented to the claimants.

The VICE-PRESIDENT. The morning hour has expired. Is there objection to the further consideration of the bill?

Mr. SARGENT. I do not wish to object to the consideration of the bill, but I should like time to examine that decision and see whether my recollection of it is correct, and I should like to know, if I am correct in this opinion of the Supreme Court, why this legislation takes away from these claimants, as I think against public policy as well as that decision as to private rights, the rights conferred by the grant.

Mr. EDMUNDS. I certainly do not wish to press this bill against any just desire of Senators to examine it. It is only a duty that the Committee on Private Land Claims imposed upon me last spring after months of time spent in the study and consideration of the subject and hearing the views of everybody upon it, and the very views that are now being suggested by my honorable friend from California were elaborately presented to us upon this point of reserving out of these confirmations the right to mine for precious metals.

The ground upon which we did that was that, as we understood the Spanish and the Mexican law respecting land grants, as it existed at the time the United States acquired these Territories, grants of land *eo nomine* did not carry from the sovereign the right to the precious metals, gold and silver, that lay beneath the soil; I will not say what quicksilver might be considered to be. Therefore the theory of this bill being under the treaties only to perfect and make good to

the claimant exactly the title to real estate, and no other, that he had acquired by his grant, there was no justification so far as his rights were concerned in giving him more.

Then, when we came to the other suggestion as to the liability to conflict, &c., it appeared to us that the law was so plain that the fact that a confirmed land grant under this act contained in it a gold mine would not justify all the people of the United States or any one of the people of the United States in going upon that man's land either to work the gold mine or to hunt for it. We could not see any authority of law for saying that because the Government has reserved the dominion over gold that lies beneath my farm, therefore every citizen of that government or any citizen of that government has any more authority to go on my farm to hunt for that gold, or to dig it, than he has to go on it and cut my corn or do anything else because he has not any title to the gold. It is in the United States. It would then resolve itself into the question, the private proprietor being the owner of the soil and the United States having the dominion over the gold that lay beneath it, how are their respective rights to be adjusted? The United States has a right that it cannot exercise without invading the possession of the owner of the soil. I grant for a moment for the purpose of this argument that the United States would have a right by law to appropriate so much of his private property as was necessary for the public use of mining for that gold; but they must do it under the authority of law, and they must grant to him such compensation for this use of his property as under the circumstances is just.

Then as to the policy of the thing, it appeared to us in view of the particular situation of things in these two Territories of New Mexico and Arizona, to which this almost entirely applies, that if we say in advance that every confirmed land grant shall carry with it the mines of precious metals that it may contain, there is then a still stronger temptation on the part of false combinations and false claimants to get up a fabricated set of evidence in order to get possession and property in a gold mine that they think exists or know exists beneath this particular piece of soil, and we did not wish to hold out in respect of these enormous grants that exist in those Territories any such temptation. First, let us ascertain who is the proprietor of the land under the treaties, merely executing the treaties according to their true construction. Having ascertained that, if it turns out that under any of these lands thus found to be private property the United States has any interest in a mine of the precious metals, then there will be time enough for Congress to provide the suitable means of having those mines worked without injury to the proprietor of the soil. That was the view of the committee; we may have been wrong, but it struck us that it was right.

Mr. SARGENT. Mr. President, this bill does not refer to minerals merely under another man's land, but it says that mines are reserved, which means, of course, not only the minerals, but the land containing the minerals, because a mine is made up of the minerals and the land which contains them or the rock in place or otherwise. This bill reserves—

> Any right or title to any gold, silver, or quicksilver mine or minerals.

So that it reserves the mines. Now, the Senator says that because these mines are the property of the United States there is no reason why any individual should have a right to explore them, to enter upon them, or enter upon the land of another, in order to work them. I show that it is not the land of another, but the land of the United States, because that is what is reserved, and the general mining law declares that all the mining lands of the United States are open for exploration and occupation by citizens of the United States. So, construing this bill, if it becomes a law, and the general mining law of the United States, the very condition which was not contemplated by the committee will occur, or which they thought would not occur, must necessarily occur under the law, and the law consequently must be imperfect in this respect.

The Senator says the desire is that there shall be no temptation held out to people to forge papers and forge cases in order to acquire these lands by allowing them to acquire mines. That is entirely unnecessary. The additional temptation afforded by mines would be very slight. Rich agricultural lands are those which are usually sought for in grants like these; and it is a fact that the experience of the United States in every part of it has shown wherever gold or silver or quicksilver mining has been carried on that the profits arising from mining are less than the average profits made by agriculturists, and that is very well understood by land-grabbers. Mines are usually in small parcels, requiring a great deal of labor frequently to develop, extremely fluctuating and uncertain in their profits, very frequently worked at a great loss, ordinarily worked at a loss. There are here and there occasional glittering prizes which stimulate the general body of miners to continue in the business; but as a rule the public get the advantage of their work, and not the individuals. In other words, as I said before, and I say it after some thought and examination of the subject, I believe it is a demonstrable fact that the profit which has been made by miners, notwithstanding the thousands of millions poured into the currency of the world, is less than that which has been made by agriculturists in those States where mining and agriculture have been carried on.

Of course gold or silver has a fixed value. It cannot be sold, no matter what the cost of production, above a certain rate, whereas every other article of production has a value dependent upon the labor of its production, on the expense of producing it; so that if gold in a State costs more to produce it, its citizens, governed only by the price of the article elsewhere, cannot charge an extra price there for it. Gold has an intrinsic value; and if it costs fifty dollars an ounce to extract it and it is only worth sixteen or eighteen or twenty dollars an ounce, it is worth no more and no less than if it cost five or six dollars to extract it.

I do not understand the Senator from Vermont to say in his recollection the decision of the Supreme Court in the Mariposa case was not based upon the idea that the grant from Mexico carried the right to the minerals contained within the land. If that is the unreversed opinion of the Supreme Court, then this bill is a nullity. I understand the Senator to say that the committee thought, differing perhaps from the Supreme Court, that the colonization laws of Mexico did not confer upon grantees the right to these mines. If the Supreme Court has said that those laws did confer these rights, this bill is contrary to the decision of the Supreme Court and must be nugatory when brought to the test of the Supreme Court, because they must hold that the United States has not a right to deprive without compensation persons of their individual property. It is not proposed by the bill to take this for public uses in the ordinary sense of the term, or make any compensation for it at all. It simply proposes that this shall be the property of the United States and shall not go to the parties who own the grants. If that is in opposition to the doctrine laid down by the Supreme Court, of course it will only stand until such time as the Supreme Court can pass upon the different titles.

It seems to me worth while to examine that question. For one I do not feel prepared to vote on the bill now. But even if the Supreme Court shall have put it upon some ground of expediency, not upon the right of the parties, and are not clear upon that proposition, still I hold that for the sake of the peace of these Territories it is better to settle this question now, and to let the person who takes the patent to the land take whatever the land contains. I believe so from what I have observed in my own State and what I have read as occurring in the neighboring State of Nevada and other States, and it is better not to have this fire-brand—for that is what it will amount to—thrown into the Territories and into the State of Nevada. The benefit the Government of the United States will derive from the possible sale of this land hereafter will be nothing in comparison with the mischief that would be done by setting the people of the Territories by the ears together, leading them into controversies and lengthy struggles such as have occurred heretofore over questions of this kind.

Mr. EDMUNDS. I should not be able ever to agree, going upon the theory that these Mexican and Spanish grants do not carry the gold and silver mines, that we should confirm these grants without any limitations as to the quantity and a very small quantity. There is in this bill a limitation of eleven square leagues.

Mr. SARGENT. I think that is right.

Mr. EDMUNDS. That makes a very large area of land,—eleven square leagues.

Mr. SARGENT. I do not object to that at all.

Mr. EDMUNDS. The duty under the treaty is to give to every man his own; and we finding under the Spanish and Mexican laws that there was no clear reason for supposing that any grants to which their attention had been drawn, that had been finally perfected (and it is certainly so as to those that had not been finally perfected) were ever given for more than eleven square leagues, and the most of them for much less, therefore we say in no case will we make a confirmation for more than eleven leagues and in every other case within that for no more than what is called for.

That being the state of the case, I submit to my honorable friend that if we are to add anything in the way of mining rights to the title that a man claims, and to which he has no claim except that we give it to him, then I would not give any one man or any set of men, any chance to get any mining rights in any eleven square leagues of land or in any three square leagues of land. That leads to great combinations and mischiefs, and affects society in a thousand ways that I cannot spend your time to enumerate.

But the fundamental idea of the bill, as I stated before, is that we are to give to every man what belongs to him and to give him nothing more. That is the object of this bill. If he wishes for anything more let him, like any other citizen of the United States who wishes to engage in mining or whatever it may be, proceed under the general laws of the United States or under special grants if he can get them in his own case, whatever they may be.

Now in reference to my friend's opinion of the decision of the Supreme Court, I will state frankly that at this moment I have forgotten precisely what the Supreme Court decided in the Mariposa case, although that was before us at the time we framed this clause; but my friend has not noticed apparently the exact nature of this limitation clause which will stand in harmony with every case in which the true construction of the grant does carry a mine. Hear it:

> No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals, unless the grant claimed under provided for and effected the donation or sale of such mines or minerals to the grantee.

We say, therefore, that wherever the grant was of a nature that either by express provision or by some implication of law the grantee did get the right to what was by the general principles of the Spanish and Mexican law a royal reservation, there we give him that right,

because by the treaty we have engaged to give it to him; but where the effect of his grant is not to give him a right to the mine we say that this bill shall not give it.

Mr. SARGENT. After the word "minerals," on line 18 of section 12, I move to insert "known to exist at the time of filing the petition."

I certainly concede the ability of the argument made by the Senator from Vermont, and I am not entirely sure but that where no mines existed at the time stated, it might not be well as a matter of public policy to exclude them from the confirmation; but I should like to guard against this class of cases: where a person has a grant in good faith from the government of Mexico, and presents that grant, and it passes safely through the various tribunals of the United States to the Supreme Court, and is honest and fair, and is confirmed; he sells that grant out to a great many individuals; towns may spring up on it; in these growing Territories all this is within the range of possibility. Now, if there is a primary right held in the Government that in case minerals, rich or otherwise, thickly settled or thinly scattered, shall be found thereon, then the title to all this property shall become uncertain, it shall be in the Government, and somebody has got to extinguish that, I can see a condition of things extremely undesirable. If it is known at the time of the petition that there are mines, or I might even say at the time of confirmation that there are mines, upon this land, or that it is mineral land, exclude the minerals; but if such a fact is not known, and it is honestly taken as agricultural land, then let the person have it, and if mines are subsequently discovered thereupon, let him work them or let him sell them, dispose of them as he sees fit.

I am not proposing any strange principle here. I suppose that the Committee on Private Land Claims have not had their attention called to the mineral laws of the United States so much as some other Senators who from their locality are compelled to understand these things and follow the legislation, and therefore it is not strange that in legislating upon a question of this kind, which is a little mixed in its character, they do not see its bearings always. It is different with those of us who are compelled to look at them from the experience which we have in our own neighborhoods and from the participation which we had in drawing the original bills and being upon the committees which reported them, or debating them in the Senate, and the arguments which would be forcible to our minds at that time and to other Senators perhaps might not be listened to by the mass as not interesting or might be soon forgotten. Now, we have exactly the principle which I propose here, incorporated in the general mineral law in the case of placer claims, which Senators understand are where the mineral is distributed more or less thinly through a body of agricultural land or not in rock in place. I refer to page 428 of the Revised Statutes, section 2333.

If at the time of the application for the purchase of a placer claim a known vein of quartz containing mineral is in the area desired to be bought, then it must be segregated and bought separately and paid for separately and at a higher price; but if the claim is sold and it is not known that there is any such vein, its subsequent discovery does not divest the possession of the purchaser or his ownership; and the object of that is, as I say, to prevent these disputes, one man entering upon the land of another under that eager thirst for gold which men have which leads them to pry into the land of others, no matter how much disturbance it may be to them, the glittering prize being sufficient to justify in their own eyes any action of that kind, especially if it is sanctioned apparently by the laws of the United States.

I ask the Clerk to read the whole section, as I am a little feeble.

The Secretary read as follows:

SEC. 2333. Where the same person, association, or corporation is in possession of a placer claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of $5 per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer claim, or any placer claim not embracing any vein or lode claim, shall be paid for at the rate of $2.50 per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section 2320, is known to exist within the boundaries of a placer claim, an application for a patent for such placer claim which does not include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer claim is not known, a patent for the placer claim shall convey all valuable mineral and other deposits within the boundaries thereof.

Mr. SARGENT. The party there, if at the time he applies he is not aware of the existence of such vein has the lands; the patent conveys them; and by this means, of course, the Government throws away apparently or sells for what it considers an inadequate price a valuable mine. That mine may subsequently be worth millions of dollars.

THIRTEENTH, FOURTEENTH AND FIFTEENTH AMENDMENTS.

The VICE-PRESIDENT. The hour of half past one o'clock having arrived, the Senate will proceed to the consideration of its unfinished business, being the resolutions introduced by the Senator from Vermont, [Mr. EDMUNDS,] upon which the Senator from Alabama [Mr. MORGAN] is entitled to the floor.

Mr. MORGAN. Mr. President, when I last had the floor I was about to bring to the attention of the Senate the case of the United States *vs.* Cruikshank, in 2 Otto, upon which the substitute that I have had the honor to offer to the Senate is based chiefly; but before reading the body of the opinion I desire to call attention to a point in it that decides the question left open in the case of Reese *vs.* The United States, from which I read extensive extracts on the day before yesterday. The point left open in the case of Reese *vs.* The United States was whether or not the Congress of the United States had the power under the fifteenth amendment to the Constitution to provide for the punishment of those voting at State elections who denied to a person the right to vote in consequence of race, color, or previous condition of servitude. The authority to which I now call the attention of the Senate settles that point, and seems to reduce every question that could possibly arise in debate in reference to this whole matter down to those propositions which are stated in the substitute now before the Senate for its consideration. On page 556 of 2 Otto, United States *vs.* Cruikshank, the seventh and fifteenth counts of the indictment are considered together by the court. The court say:

The seventh and fifteenth counts are no better than the sixth and fourteenth. The intent here charged is to put the parties named in great fear of bodily harm, and to injure and oppress them, because, being and having been in all things qualified, they had voted "at an election before that time, had and held according to law by the people of the said State of Louisiana, in said State, to wit: on the 4th day of November, A. D. 1872, and at divers other elections by the people of the State, also before that time had and held according to law. There is nothing to show that the elections voted at were any other than State elections or that the conspiracy was formed on account of the race of the parties against whom the conspirators were to act. The charge as made is really of nothing more than a conspiracy to commit a breach of the peace within a State. Certainly it will not be claimed that the United States have the power or are required to do mere police duty in the States. If a State cannot protect itself against domestic violence, the United States may, upon the call of the executive, when the Legislature cannot be convened, lend their assistance for that purpose. This is a guarantee of the Constitution, (article 4, section 4,) but it applies to no case like this.

That ruling upon the question presented in the seventh and fifteenth counts of this indictment seems to settle absolutely the proposition that the Congress of the United States have no right to enact laws under the clause authorizing them to enact laws appropriate to carry into effect the fifteenth amendment, to prescribe penalties against persons who in a State election deny to a colored person the right to vote on account of race, color, or previous condition of servitude, placing the decision upon the ground that in State elections the regulation of this right by State laws and its enforcement also by State officials is a mere police regulation of the State, which it is not within the jurisdiction or province of Congress to regulate.

I will read further from this decision that portion of it which I understand bears directly upon and sustains to the fullest extent the substitute which I propose to discuss very briefly before the Senate. And in order to get the bearing of this decision properly before the Senate, I will read from the statement of the case as made by the reporter the questions that were in controversy in that case:

The *first* count was for banding together, with intent "unlawfully and feloniously to injure, oppress, threaten, and intimidate" two citizens of the United States, "of African descent and persons of color," with the unlawful and felonious intent thereby" them "to hinder and prevent in their respective free exercise and enjoyment of their lawful right and privilege to peaceably assemble together with each other and with other citizens of the said United States for a peaceable and lawful purpose."

The *second* avers an intent to hinder and prevent the exercise by the same persons of the "right to keep and bear arms for a lawful purpose."

The *third* avers an intent to deprive the same persons "of their respective several lives and liberty of person, without due process of law."

The *fourth* avers an intent to deprive the same persons of the "free exercise and enjoyment of the right and privilege to the full and equal benefit of all laws and proceedings for the security of persons and property" enjoyed by white citizens.

The *fifth* avers an intent to hinder and prevent the same persons "in the exercise and enjoyment of the rights, privileges, immunities, and protection granted and secured to them respectively as citizens of the said United States, and as citizens of the said State of Louisiana, by reason of and for and on account of the race and color" of the said persons.

The *sixth* avers an intent to hinder and prevent the same persons in "the free exercise and enjoyment of the several and respective right and privilege to vote at any election to be thereafter by law had and held by the people in and of the said State of Louisiana."

The *seventh* avers an intent "to put in great fear of bodily harm, injure, and oppress" the same persons, "because and for the reason" that, having the right to vote, they had voted.

The *eighth* avers an intent "to prevent and hinder" the same persons "in their several and respective free exercise and enjoyment of every, each, all, and singular the several rights and privileges granted and secured" to them "by the Constitution and laws of the United States."

The next eight counts are a repetition of the first eight, except that, instead of the words "'band together," the words "combine, conspire, and confederate together" are used. Three of the defendants were found guilty under the first sixteen counts, and not guilty under the remaining counts.

The parties convicted moved in arrest of judgment. This was a case that at the time excited much public attention. It was the notorious Grant Parish case, which at the time was a very exciting cause of disturbance throughout the country, particularly in political circles. Three of the accused persons were convicted; and as I have stated moved in arrest of judgment. On this motion the judges in the circuit court were divided in opinion, and the presiding judge held "that the several counts in question are not sufficient in law, and do not contain charges of criminal matter indictable under the laws of the United States, and that the motion in arrest of judgment should be granted;" and that brought the case into the Supreme Court of the United States for its consideration. The acts of Congress on which the indictment was based were laws of like general character with the general legislation upon this subject by Congress to which the Senator from Vermont alludes in his resolutions. The Supreme Court here passes upon these laws, examining the foundations of constitutional law upon

which they rest; examining the condition of the persons to whom they are supposed to be applicable, examining the power of Congress in the infliction of punishment for the offenses here charged, examining indeed every view and phase of the case which it seems to me could possibly have arisen under what is called the enforcement law; and, notwithstanding the conviction of these persons was at the time in conformity to a general public sentiment, especially in the majority section, as it was then, of the United States, the Supreme Court felt bound to reverse and annul this decision and to discharge the prisoners. I venture to say that the genius of the Senate of the United States, if it were concentrated upon the proposition of devising a law for the purpose of carrying into effect the fourteenth and fifteenth amendments to-day, and if it were undertaking to meet and overcome great resistance and great obstruction to the execution of those provisions of the Constitution, would not be able to devise a more ingenious, a broader, a more complete, a more far-reaching and deep-searching system than that which was contained in the civil-rights bill to which the case of Reese refers, and in the enforcement act to which this case refers.

It is intimated in the resolutions that there is some ground of legislation which has not hitherto been occupied on this subject, but it is intimated only in very general terms; and, as I have observed before, the able Senator from Vermont, who has been chairman of the Judiciary Committee for a long time, has never ventured to bring before the Senate or Congress of the United States a measure which indicates how much further Congress could go in an effort to enforce these amendments than it has gone under the enforcement law and civil-rights laws.

The decision in Cruikshank's case, it seems to me, covers every principle that can hereafter be appealed to or invoked for the purpose of legislation in the further effort to carry the fourteenth and fifteenth amendments into legal effect among the people of the United States. Chief-Justice Waite delivered the opinion in this case also. The court say:

This case comes here with a certificate by the judges of the circuit court for the district of Louisiana that they were divided in opinion upon a question which occurred at the hearing. It presents for our consideration an indictment containing sixteen counts, divided into two series of eight counts each, based upon section 6 of the enforcement act of May 31, 1870. That section is as follows:

"That if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen, with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, or because of his having exercised the same, such persons shall be held guilty of felony, and, on conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court—the fine not to exceed $5,000, and the imprisonment not to exceed ten years—and shall, moreover, be thereafter ineligible to, and disabled from holding, any office or place of honor, profit, or trust created by the Constitution or laws of the United States."—16 *Statutes*, 141.

I can hardly conceive of any other words that could be put into that enactment to make it broader in its scope than it is. The court proceed:

The question certified arose upon a motion in arrest of judgment after a verdict of guilty generally upon the whole sixteen counts, and is stated to be whether "the said sixteen counts of said indictment are severally good and sufficient in law, and contain charges of criminal matter indictable under the laws of the United States."

The general charge in the first eight counts is that of "banding," and in the second eight that of "conspiring" together to injure, oppress, threaten, and intimidate Levi Nelson and Alexander Tillman, citizens of the United States of African descent and persons of color, with the intent thereby to hinder and prevent them in their free exercise and enjoyment of rights and privileges "granted and secured" to them "in common with all other good citizens of the United States by the Constitution and laws of the United States."

The offenses provided for by the statute in question do not consist in the mere "banding" or "conspiring" of two or more persons together, but in their banding or conspiring with the intent or for any of the purposes specified. To bring this case under the operation of the statute, therefore, it must appear that the right, the enjoyment of which the conspirators intended to hinder or prevent, was one granted or secured by the Constitution or laws of the United States. If it does not so appear the criminal matter charged has not been made indictable by any act of Congress.

We have in our political system a Government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own who owe it allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States and a citizen of a State, but his rights of citizenship under one of these governments will be different from those he has under the other.—*Slaughter-House Cases*, 16 Wall., 74.

Citizens are the members of the political community to which they belong. They are the people who compose the community, and who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as their collective rights. In the formation of a government the people may confer upon it such powers as they choose. The government when so formed may, and when called upon should, exercise all the powers it has for the protection of the rights of its citizens and the people within its jurisdiction, but it can exercise no other. The duty of a government to afford protection is limited always by the power it possesses for that purpose.

Therefore when the Senator from Vermont avers, as he does in his resolutions, that the people of all the States have a common interest in the enforcement of the whole Constitution in every State of the Union, that statement, when it comes to assume a legal form and is put into shape under the restrictions which judicial authority imposes upon it, must be qualified to this extent, that the duty of a Government to afford protection is limited always by the power it possesses for that purpose. If the Government possesses no power for the purpose of affording protection to the people of a State, if in the Constitution there is no such actual grant of power to the Government of the United States or to Congress, then Congress has no such power, and it cannot be asserted as matter of law, and especially as matter of constitutional law, that the interest which the people of the several States are supposed to have in the enforcement of the Constitution in every other State of the Union is that sort of legal, tangible, direct, and valuable interest which entitles them to go into a State through the assistance of the common agency, Congress, and demand its execution or its enforcement. The court proceed:

Experience made the fact known to the people of the United States that they required a national government for national purposes. The separate governments of the separate States, bound together by the articles of confederation alone, were not sufficient for the promotion of the general welfare of the people in respect to foreign nations, or for their complete protection as citizens of the confederated States. For this reason the people of the United States, "in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty" to themselves and their posterity, (Const. preamble,) ordained and established the Government of the United States, and defined its powers by a Constitution, which they adopted as its fundamental law and made its rule of action.

The Government thus established and defined is to some extent a government of the States in their political capacity. It is, also, for certain purposes, a government of the people. Its powers are limited in number, but not in degree. Within the scope of its powers, as enumerated and defined, it is supreme and above the States, but beyond it has no existence. It was erected for special purposes and endowed with all the powers necessary for its own preservation and the accomplishment of the ends its people had in view. It can neither grant nor secure to its citizens any right or privilege not expressly, or by implication, placed under its jurisdiction.

The people of the United States resident within any State are subject to two governments, one State and the other national, but there need be no conflict between the two. The powers which one possesses the other does not. They are established for different purposes and have separate jurisdictions. Together they make one whole and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad. True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance, and that of the State by the breach of peace in the assault. So, too, if one passes the counterfeited coin of the United States within a State it may be an offense against the United States and the State; the United States, because it discredits the coin, and the State, because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common or bring them into conflict with each other. It is the natural consequence of a citizenship which owes allegiance to two sovereignties and claims protection from both. The citizen cannot complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return he can demand protection from each within its own jurisdiction.

The Government of the United States is one of delegated powers alone. Its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or the people. No rights can be acquired under the Constitution or laws of the United States except such as the Government of the United States has the authority to grant or secure. All that cannot be so granted or secured are left under the protection of the States.

This definition is by no means new; it is contemporaneous with the organization of this form of our Government. When we passed from the government of confederated States into the Union, these doctrines were then in full force and effect and had a bearing upon every mind in the country. They were discussed by the greatest men of that age, and I think we may justly say in favor of our own history that no greater men ever lived. It was then settled. The final security of this doctrine was afterward, in consequence of some doubts about the interpretation of the Constitution, placed in the form of amendments to that instrument, and from that day to this the doctrine which the Supreme Court has here so plainly stated has been the recognized doctrine at least of the democrats in the United States. The democratic party would have no basis or foundation upon which it could rest if that doctrine were stricken out of the Constitution. It is the respect of the law-making power of this country for these definitions of the power of Congress and these definitions of the prohibitions upon the States and these definitions of the reserved rights of the States and of the people, upon which rests to-day the security of liberty in this country as it is understood at least by the democratic party.

Earlier in my argument I made some reference to the amendments of the Constitution of the United States in connection with the question of the power of Congress to enforce those amendments by penal statutes against the people of the States. In the further reading of this opinion it will be seen that these different amendments are discussed, and the powers of Congress are measured by these amendments. There are many rights secured in the first twelve amendments of the Constitution of the United States, or in most of them, which are entirely personal to the individual citizen, whether of a State or of the United States. These rights at the time this Government was ordained, and at this time, too, are supposed after all to be the most vital rights which belong to Americans; for, Mr. President, it is of but little worth to a man that he may claim the honors, privileges, and immunities of an American citizen if in virtue of that citizenship he cannot claim freedom from arrest without due cause supported by oath or affirmation; if he cannot have the benefit of the right of trial by jury; if he cannot be tried according to due process of law; if cruel or unusual punishments may be inflicted upon him; if soldiers may be quartered in his house in time of peace, or if his property may be taken without just compensation. These things and many others which are mentioned in these amendments of the Constitution as belonging as matter of individual right to the man as a citizen of the country are to him, to the voter of this country, not only the most

sacred, but at the same time the most valuable of all the rights that he possesses.

When these constitutional amendments were put into the Constitution for the better security of these rights, and when the declaration of the bill of rights in the original Constitution was also made for the purpose of withholding the hand of power from an illegal assault upon or interruption of these rights, it was supposed that one of the greatest duties that this people owed to themselves had been performed in the ordaining of the Constitution of the United States. And when a common agent was created between these different States and the people thereof, and when the "common interests" to which the Senator from Vermont refers in his resolutions which all the people had in the maintenance and enforcement of the Constitution in favor of citizens everywhere was considered, the question almost immediately arose for judicial decision, has not this common agent, this Congress of the United States, that stands between all these people, the right, the power, the jurisdiction, the authority, so to enact, so to provide, so to appropriate money, so to supply all efficient agencies that the Government may need as to carry into effect every right of every citizen of the United States mentioned in these various amendments. But by decision after decision, commencing I believe within less than five years after the Constitution was first adopted and coming on down to this day, the Supreme Court of the United States has declared that Congress was never created as a common agent for the purpose of the preservation of these sacred rights of individuals under this instrument. Often and over men have come to the Supreme Court of the United States appealing to it against the laws and the constitutions of States for protection against their own local governments, on the idea that the Congress of the United States, being the power to enforce all the guarantees, privileges, and immunities of the Constitution of the United States, was the rightful authority to protect these citizens. But that court has felt itself compelled always to decide that Congress had no such power. Why has not Congress such power? Because Congress was not created for that purpose; these are not national purposes; they are local and individual purposes. They have no necessary connection with the administration of the Government of the United States. Their connection is solely and only with the local institutions under which these people happen to live.

Congress has also often disclaimed such power, until a recent date when it has undertaken to apply another rule, and the Supreme Court have set themselves steadfastly against the new aggression and have decided that the Congress of the United States was no place in which to make laws for the government of men in their capacity merely of citizens of the different States. I do not want to legislate for the government of the constituency of the Senator from Vermont; I do not wish to take upon my hands the charge of the affairs of the people in Oregon or in Florida. I was not sent here for the purpose of undertaking to rectify and correct within those States whatever might strike my mind as being an invasion by those States or by their officers of the Constitution of the United States. The functions which I have the right to discharge here, the duties in which I have a right to participate here, are those that are conferred upon Congress by the Constitution of the United States, and those only; and when I leave this field of jurisdiction and authority and undertake to pass beyond its boundary and interfere with affairs in the local governments of the various States, according to the decision in this case and according to the decision in every other case that has been made in the Supreme Court of the United States, I have violated my duty as a legislator.

The different counts in the indictment are considered by the court in Cruikshank's case with reference to several different amendments of the Constitution of the United States. I will proceed to read further:

> The first and ninth counts state the intent of the defendants to have been to hinder and prevent the citizens named in the free exercise and enjoyment of their "lawful right and privilege to peaceably assemble together with each other and with other citizens of the United States for a peaceful and lawful purpose."

Suppose that the Legislature of Vermont—a thing I know that it will never do—should undertake to pass a law by which the right of the citizens of that State peaceably to assemble together with each other or with other citizens of the United States should be prohibited, there would be flagrant, open violation of the Constitution of the United States. Does it not look reasonable that Congress should have the power to repeal that law, or that Congress should have the power to punish those who might undertake to enforce it? Does it not look just as reasonable that Congress should have the power to enforce a right of the citizens of that State as it does that Congress should have the right to interfere with some man who would go to a crowded, peaceable assembly, and break it up because they were conversing about elections, or prevent persons from peaceably assembling because they intended to discuss an election that was pending? Now let us see what the Supreme Court says about this matter, because here is a crucial test in regard to these powers. It says:

> The right of the people peaceably to assemble for lawful purposes existed long before the adoption of the Constitution of the United States. In fact it is, and always has been, one of the attributes of citizenship under a free government. It "derives its source," to use the language of Chief-Justice Marshall, in Gibbons *vs.* Ogden, 9 Wheat., 211, "from those laws whose authority is acknowledged by civilized man throughout the world." It is found wherever civilization exists. It was not, therefore, a right granted to the people by the Constitution. The Government of the United States when established found it in existence, with the obligation on the part of the States to afford it protection. As no direct power over it was granted to Congress, it remains, according to the ruling in Gibbons *vs.* Ogden, 9 Wheat., 203, subject to State jurisdiction. Only such existing rights were committed by the people to the protection of Congress as came within the general scope of the authority granted to the National Government.
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> The first amendment of the Constitution prohibits Congress from abridging "the right of the people to assemble and to petition the Government for a redress of grievances." This, like the other amendments proposed and adopted at the same time, was not intended to limit the powers of the State governments in respect to their own citizens, but to operate upon the National Government alone. (Barron *vs.* The City of Baltimore, 7 Pet., 250; Lessee of Livingston *vs.* Moore, 7 Pet., 551; Fox *vs.* Ohio, 5 How., 434; Smith *vs.* Maryland, 18 How., 76; Withers *vs.* Buckley, 20 How., 90; Pervear *vs.* The Commonwealth, 5 Wall., 479; Twitchell *vs.* The Commonwealth, 7 Wall., 321; Edwards *vs.* Elliott, 21 Wall., 557.) It is now too late to question the correctness of this construction. As was said by the late chief-justice, in Twitchell *vs.* The Commonwealth, 7 Wall., 325, "the scope and application of these amendments are no longer subjects of discussion here." They left the authority of the States just where they found it, and added nothing to the already existing powers of the United States.
>
> The particular amendment now under consideration assumes the existence of the right of the people to assemble for lawful purposes, and protects it against encroachment by Congress. The right was not created by the amendment; neither was its continuance guaranteed, except as against congressional interference. For their protection in its enjoyment, therefore, the people must look to the States. The power for that purpose was originally placed there, and it has never been surrendered to the United States.

When did the right to vote in the United States have its origin? How long has that privilege of free government been exercised on this continent? When was it that privilege was not exercised since civilization first got a foothold here? It is one of the ancient and established rights of citizenship, first of the colonies and afterward of the confederated States, and afterward of the States of the Union. The Government found it here, adopted it, could not discard it. The people of the United States would never have formed governments, local or national, upon the exclusion of their right to vote and participate in the management of their public affairs. So this ancient and thoroughly established right was a part of the common law of America, part of what jurists and publicists call "the law of the land," when this Government was ordained. It was as much so as the right to life, liberty, and property, the right of free speech, and more so than the right of free religion. This right to vote was recognized and enforced everywhere within the borders that were afterward included within the jurisdiction of the United States under the Constitution. No more is this old right to vote subject to the power of Congress to control, prevent, prohibit, or qualify it by conditions, than was the right of peaceable assemblage of citizens to discuss questions that might be political, religious, or polemical.

The second and tenth counts of this indictment and the law upon which the second and tenth counts were framed had reference to the execution of the second amendment to the Constitution. The court say:

> The second and tenth counts are equally defective. The right there specified is that of "bearing arms for a lawful purpose." This is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence. The second amendment declares that it shall not be infringed; but this, as has been seen, means no more than that it shall not be infringed by Congress. This is one of the amendments that has no other effect than to restrict the powers of the National Government, leaving the people to look for their protection against any violation by their fellow-citizens of the rights it recognizes, to what is called in The City of New York *vs.* Miln, 11 Pet., 139, the "powers which relate to merely municipal legislation, or what was, perhaps, more properly called internal police," "not surrendered or restrained" by the Constitution of the United States.

Now is not the right to bear arms in this country a right that no State can violate? Can any State pass a law saying that "no citizen of this State shall hereafter have the right to bear arms?" Certainly not; but a State can say you shall not carry them concealed beneath your clothing; you shall not carry them concealed unless you are traveling upon the public highways or upon a journey; you shall not carry them to a place where large assemblages of citizens meet; you shall not carry them into or about a drinking saloon; you shall not carry them under such circumstances that they may become dangerous to society. The right, however, the State cannot deny except by imposing legal qualifications, by limitations upon the exercise of the right. This right Congress cannot abridge at all, because it was one of the original rights existing at the time of the adoption of the Constitution which rested upon the right of citizenship of the people of the different States, and had its origin long before the Constitution of the United States came into existence.

The third and eleventh counts are based on that part of this statute which had its foundation in the fifth amendment of the Constitution:

> The third and eleventh counts are even more objectionable. They charge the intent to have been to deprive the citizens named, they being in Louisiana, "of their respective several lives and liberty of person without due process of law."

It would seem that if the Congress of the United States had any jurisdiction over an individual citizen of that State at all, it might be and it ought to be a jurisdiction for the protection of his life and his liberty, for it is for the purpose of protecting life and liberty that this Constitution was ordained, more, perhaps, than for all other purposes.

This is nothing else—

Say the Supreme Court—

than alleging a conspiracy to falsely imprison or murder citizens of the United States, being within the territorial jurisdiction of the State of Louisiana. The rights of life and personal liberty are natural rights of man.

Just as we might say about the right to vote being a natural righ'.

of the citizen of a free government, and especially of a free constitutional republican government.

"To secure these rights"—

That is, the right to life and liberty—

says the Declaration of Independence, "governments are instituted among men, deriving their just powers from the consent of the governed." The very highest duty of the States, when they entered into the Union under the Constitution, was to protect all persons within their boundaries in the enjoyment of these "inalienable rights with which they are endowed by their Creator." Sovereignty, for this purpose, rests alone with the States It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State than it would be to punish for false imprisonment or murder itself.

Now we come to the fourteenth amendment, which was the first step, chronologically considered, of the new institution in our organic law of certain rights, powers, privileges, immunities in favor of citizens, and certain restrictions upon the power of States as they then existed, which grew out of the late civil war. At the time of the adoption of the fourteenth amendment the necessities of the republican party had not got to be so great as they were when the fifteenth amendment was offered. It was supposed that the influence of the fourteenth amendment upon the legislation of the States and upon the conduct of the General Government would be altogether sufficient to perpetuate the power of the republican party, which seemed, from the time it laid its hands upon the scepter of power in the Southern States, thereafter to forget every other purpose of its mission than the mere perpetuation of its authority over the people. It may have been a blessing to the land or it may not have been; but whether a blessing or a curse there was one supreme idea connected with it in the minds of those who took charge of it, and that was *esto perpetua*. "There shall be no end to republican rule" was the idea that was embraced in the fourteenth amendment to the Constitution of the United States, and was afterward intensified and intended to be made irrevocable by the fifteenth amendment; and by keeping our eyes somewhat upon the movement of this great party which ordained this constitutional amendment and forced it upon the States we shall begin to appreciate something of the progress and the grounds of progress and the extent to which the progress has gone in restrictions upon the power of the States, and also in conferring new powers upon the Congress of the United States under these two amendments. Say the court:

The fourteenth amendment prohibits a State from depriving any person of life, liberty, or property, without due process of law, but this adds nothing to the rights of one citizen as against another. It simply furnishes an additional guarantee against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society. As was said by Mr. Justice Johnson, in Bank of Columbia *vs.* Okely, 4 Wheat., 244, it secures "the individual from the arbitrary exercise of the powers of government, unrestrained by the established principles of private rights and distributive justice." These counts in the indictment do not call for the exercise of any of the powers conferred by this provision in the amendment.

The fourth and twelfth counts charge the intent to have been to prevent and hinder the citizens named, who were of African descent and persons of color, in "the free exercise and enjoyment of their several right and privilege to the full and equal benefit of all laws and proceedings, then and there, before that time enacted or ordained by the said State of Louisiana and by the United States; and then and there, at that time, being in force in the said State and district of Louisiana aforesaid for the security of their respective persons and property, then and there, at that time enjoyed at and within said State and district of Louisiana by white persons, being citizens of said State of Louisiana and the United States, for the protection of the persons and property of said white citizens." There is no allegation that this was done because of the race or color of the persons conspired against. When stripped of its verbiage the case as presented amounts to nothing more than that the defendants conspired to prevent certain citizens of the United States, being within the State of Louisiana, from enjoying the equal protection of the laws of the State and of the United States.

The fourteenth amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee.

It is no part of the duty of Congress to say that any individual citizen, though he may be a citizen of the United States claiming the protection of this provision of the Constitution of the United States, is protected against any other citizen not acting under the authority of the laws of a State when that other citizen undertakes to deprive him of his rights under that fourteenth amendment.

No question arises under the civil rights act of April 9, 1866, (14 Stat., 27,) which is intended for the protection of citizens of the United States in the enjoyment of certain rights, without discrimination on account of race, color, or previous condition of servitude, because, as has already been stated, it is nowhere alleged in these counts that the wrong contemplated against the rights of these citizens was on account of their race or color.

Another objection is made to these counts that they are too vague and uncertain. This will be considered hereafter in connection with the same objection to other counts.

The sixth and fourteenth counts state the intent of the defendants to have been to hinder and prevent the citizens named, being of African descent and colored, "in the free exercise and enjoyment of their several and respective right and privilege to vote at any election to be thereafter by law had and held by the people in and of the said State of Louisiana, or by the people of and in the parish of Grant aforesaid." In Minor *vs.* Happersett, 21 Wall., 178, we decided that the Constitution of the United States has not conferred the right of suffrage upon any one, and that the United States have no voters of their own creation in the States. In United States *vs.* Reese *et al.*, *supra*, p. 214, we hold that the fifteenth amendment has invested the citizens of the United States with a new constitutional right, which is, exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. From this it appears that the right of suffrage is not a necessary attribute of national citizenship, but that exemption from discrimination in the exercise of that right on account of race, &c., is. The right to vote in the States comes from the States, but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been.

Inasmuch, therefore, as it does not appear in these counts that the intent of the defendants was to prevent these parties from exercising their right to vote on account of their race, &c., it does not appear that it was their intent to interfere with any right granted or secured by the Constitution or laws of the United States. We may suspect that race was the cause of the hostility, but it is not so averred. This is material to a description of the substance of the offense, and cannot be supplied by implication. Everything essential must be charged positively, and not inferentially. The defect here is not in form but in substance.

That case of Happersett *vs.* Minor in 21 Wallace very powerfully sustains the view that I take, and it was afterward affirmed in the decision in the case of Cruikshank.

Now, it seems to me, Mr. President, that these declarations of law by the Supreme Court of the United States remove almost every possible cloud that the imagination of man could bring upon this subject. It looks to me as if there was left almost no possible field of disputation or debate about it. But the Senator from Vermont has seen for a long time, I suppose—I really do not know whether it is a sudden revelation or whether it is the result of a long process of mental examination and incubation—but he seems to have seen that which he has withholden from us, that which he has not done us the honor even to intimate to us, that there is still some legislative action which may be taken and ought to be taken by the Congress of the United States for the further and better protection of the rights of persons under the fourteenth and fifteenth amendments, and even under the thirteenth, for he puts them all in. It has been my inability to conjecture what the precise characteristics of these laws may be upon which the mind of the Senator from Vermont has been so long cogitating that has made it necessary for me to examine in this opening, which I have been compelled to make upon his own resolutions, all possible and all imaginable grounds on which it might be supposed there could arise any necessity for legislation upon this subject which I hoped had gone to the tomb of the Capulets.

I will content myself with these references to law. I have desired to bring these opinions distinctly before the Senate of the United States for the purpose of arousing the attention of Senators on either side of this Chamber to the inquiry whether or not there is some need of further legislation, or whether there is any possible ground of further legislation that has not been already occupied by existing statutes in reference to the enforcement of the rights of the colored people under the fourteenth and fifteenth amendments. I have therefore been compelled to assume in the argument which I have made here that it was the intention of the Senator from Vermont by some sweeping act of congressional legislation to wipe out every supposed obstruction that might exist in State laws and State constitutions to the full and complete enforcement of the fourteenth and fifteenth amendments. I have not any doubt that if he can get the consent of the Senate he will go further than that and commence legislating directly for the States in these particulars, and against individuals of the States, and that men will be hauled into the Federal courts of the United States and tried for the violation of laws which are in their nature purely local and are not and never have been within the jurisdiction of Congress.

But, Mr. President, the people of the United States have at last gotten far enough away from the exciting struggle of 1861 to 1865 to begin to contemplate their own Constitution with reference to the blessings it may bring upon the land instead of the curses that it may yet be made to fasten upon individual men. And I hope that in whatever legislation we may attempt in Congress hereafter we shall be controlled and directed by a desire to benefit the country rather than by a desire to expose it again to harrowing investigations and criminal prosecutions, which it seems to me any man must see are of doubtful authority, and which the Supreme Court of the United States have said we have not the power to set on foot.

In my remarks made the day before yesterday I referred to the fact that every State in the South except Kentucky had amended its constitution so as to make it conformable to the fourteenth and fifteenth amendments. Now I propose to show the Senate a little of the work we have in hand whenever we undertake this matter of making the laws and constitutions of the different States of the American Union conform to our views of the rights of the citizens in those different States under the Constitution of the United States.

Kentucky, for instance, never abolished slavery; she refused to ratify the thirteenth amendment; and when you read her constitution you find the provisions in reference to slavery still there. Indeed, sir, you find them in the Constitution of the United States; for all the constitutional provisions in reference to the surrender of fugitive slaves remain in the Constitution of the United States, and slavery even is not impossible under our form of government at this day, because in the thirteenth amendment we made the reservation that a man might be enslaved as a punishment for crime, and therefore under the laws of the States, I suppose, or the laws of the United States a man might be enslaved as a punishment for crime under the thirteenth amendment. We may condemn a white man to slavery for denying a negro a right to vote, as a punishment for this newly created crime, if Congress has any power to punish such a denial on the part of an individual.

Mr. EDMUNDS. Everybody in State prison is in legal sense a slave.

Mr. MORGAN. No; he is put in prison as a punishment for an offense; his liberty of action is not taken away from him, it is only restrained for a time, and he is not deprived of the right to make a contract.

Mr. EDMUNDS. I thought everybody in prison for a felony was civilly dead and could not make a contract.

Mr. MORGAN. The Senator said everybody who was in prison.

Mr. EDMUNDS. In the State prison I said, in the penitentiary.

Mr. MORGAN. You may slay a man civilly for crime, and so you may put him in slavery for crime, but when you enslave him you do not slay him. When you enslave him you want him to live; you want him to be in a condition in which you can use him, not bury him. Servitude or slavery is not civil death. It may be equally as harrowing or torturing a penalty upon a man who has nice sensibilities, but it is not the same in fact.

Mr. EDMUNDS. The old legal slavery of the South was civil death was it not? The slaves could not contract or do anything else.

Mr. MORGAN. It was a denial that there had ever been any civil birth, not the taking away from a man of his civil life and civilly killing him.

Mr. EDMUNDS. Very well, the difference between not existing and death, I will not stop to consider.

Mr. MORGAN. It was the fact that the man when he came here came as a slave from his native land, was bought from slave-owners in his native land under a law of that country, brought into this country under the sanction of the Constitution of the United States, which not only impliedly sanctioned it, but expressly provided for its continuance for ten years after the year 1798. He came here a slave; he was never brought here, nor was any man ever brought here, that I am aware of, as a freeman, to be carried into slavery except those Indians in the Island of Cuba for whom our friends in the northeastern country swapped the negroes after they got them here, but were not satisfied with them. Those men might have been put to civil death by slavery; I think they were; but the institution as it existed in the South never involved that hideous feature. We never took a man who was free in his own country; we did not go and capture him there in his native woods and make a slave of him. We bought him from men who sold him to us. When our friends bought the Indians in Cuba they did not buy slaves; they bought freemen and made slaves of them, and so when they bought the Indians of the Narragansett tribe and others around there they bought freeman and made slaves of them, and sometimes transported them to Cuba and exchanged them for slaves, some of whom were Africans and some were Indians. There is the difference.

I refer to these things not for the purpose of bringing up unpleasant historical reminiscences, but for the purpose of illustrating by the facts of history a distinction which I am surprised the Senator has not seen, for there is scarcely a distinction in the world that is not absolutely visible to his eyes.

Mr. EDMUNDS. I certainly see the distinction of my honorable friend from Alabama always; that is too apparent to be misunderstood by anybody. But, if he will pardon me for this digression, I should like him to tell me what the difference is in respect of buying, as my friend says, his people did a colored man who was brought from Africa who was captured in Africa by a body of slave-hunters who went there for that purpose by force of the sword and the bayonet and the gunpowder and brought to the partaker who bought with a knowledge of how he came, and the case of the Indians that he states—whether he states it correctly or not I do not know, I should like to see a little more historical proof than he now presents; but taking that to be so what is the difference in the two cases and what great difference does it make, to come down to a practical point, to the slave himself whether he was bought and held in slavery or whether he was captured and held in slavery?

Mr. MORGAN. I do not think it makes a particle of difference to the slave, and I am not quite sufficiently well versed in the conduct of those gentlemen at the North who went over and bought slaves abroad to dispute with the Senator historically on that subject. It is a matter I suppose he has studied out for himself very thoroughly, because the whole of that transaction was conducted through those among whom I suppose were the older people of his own country who carried on this traffic and brought the slaves from Africa. We have not familiarized ourselves with nice questions of historical reminiscence on this subject not having had the opportunity. We were not slave-hunters. We were slave-buyers.

Mr. EDMUNDS. The Senator will pardon me on the subject of the responsibility of my country, as he calls it, for what his imagination has conjured up in respect to the Northeast. I wish to inform my honorable friend from Alabama that the State of Vermont, which happens to be my native land, was never anybody's country until it was its own, and that it was set up for itself before the independence of America was achieved. The Congress would not take it in, and of course it would not submit to the British king, but it had an independent government of its own as Texas had for a while before it came into this Union, and the first constitution of that State declared against any involuntary servitude, and the first slave that ever was attempted to be reclaimed for some southern owner in that State was brought before a judge, and that judge—I believe he was a Federal one, but I am not sure about that—declared that when the southern owner could show a bill of sale from God Almighty he could have the man and not before. That is the attitude that my particular constituents always occupied. The other Northeastern States can speak for themselves.

Mr. MORGAN. And I suppose that accounts very naturally for the fact that the Senator from Vermont in carrying out the views of his own people has always taken occasion to plant himself in the face of the Constitution of the United States whenever it is violated in his own State to gratify a public sentiment.

Mr. EDMUNDS. I do not think I have, Mr. President. That remains to be proved.

Mr. MORGAN. Your people, it seems, had no sort of idea of obeying that mandate in the Constitution which required the delivery up of fugitive slaves under its express requirements, and your celebrated judge, who had more respect for a bill of sale coming from God, when he knew that God was not in the habit of giving title papers, than he had for that oath which he took to support the Constitution of the United States, may be a sufficient model of judicial honor and propriety for the Senator from Vermont, but I thank God we have never had such a judge in the South, at least while we had judges who were not strangers in the land.

Mr. EDMUNDS. I am sure it would have been so if I had been the judge; but my honorable friend who is so familiar with the course of judicial history ought not to forget that wherever the Constitution of the United States enforces duties it generally provides its own instruments for the execution of them, and whether it is the duty of a State tribunal to execute an act of Congress is a question that would require considerable discussion to prove. Therefore it does not necessarily follow that this judge in Vermont violated the Constitution of the United States on being called upon to exercise this function and refusing.

Mr. MORGAN. The Supreme Court of the United States has often decided that it was a violation of the Constitution of the United States to refuse to deliver a fugitive slave. Really I am quite aware of the fact that a very large part of the inciting motive to the struggle that took place between the South and North was an effort to get rid of or to disregard the effect of the Dred Scott decision. I regret that so small a circumstance as that should have ever led us to a feeling of such bitter animosity toward each other. If the spirit of obedience to the law as ruled by the great supreme judicial tribunal in this country was inculcated everywhere and every man was encouraged to feel and believe that it was his duty to assist in executing these decisions instead of trying to thwart them, perhaps we would have a much more amiable and peaceable time in the country than we have had in times past.

While we are on this subject of freemen and free negroes, &c., I should like to ask the Senator from Vermont for information, what is the meaning of the word "freemen" in the constitution of Vermont?

Mr. EDMUNDS. I am not prepared to answer.

Mr. MORGAN. Does it not mean a man who is not a slave?

Mr. EDMUNDS. I do not know.

Mr. MORGAN. It is in the constitution of the Senator's own State.

Mr. EDMUNDS. It may be there.

Mr. MORGAN. The word "freemen" is introduced in the constitution of that State as one of the qualifications of a voter. He must be a free man. In one of the amendments which they have adopted to that constitution the same term is used. I will read article 8:

That all elections ought to be free and without corruption, and that all freemen, having a sufficient evidence, common interest with, and attachment to the community, have a right to elect officers and be elected into office, agreeably to the regulations made in this constitution.

Now, the Senator says he does not know what the word "freemen" means there.

Mr. EDMUNDS. I think now on reflection I can state one thing it means. It means to distinguish between free men and free women. I can see that far without further reflection.

Mr. MORGAN. That is a very nice distinction; a very small variation.

Mr. EDMUNDS. It is quite important sometimes.

Mr. MORGAN. We have got it now down to the difference between a free man and a free woman. Recollect this is the constitution of 1793. Everybody in the United States understands, I expect, at least would understand upon the mere reading of it, without the explanation of the Senator from Vermont, that it meant to contradistinguish a man who was free from a man who was not free, and not a man from a woman. I do not think there was any constitutional prescription put into the constitution of Vermont for the purpose of distinguishing a man from a woman. I think that was hardly a subject of ordination in that constitutional convention. The distinction was between free men and men who were not free. I will read section 21:

Every man, of the full age of twenty-one years, having resided in this State for the space of one whole year next before the election of representatives, and is of a quiet and peaceable behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this State:

You solemly swear (or affirm) that whenever you give your vote or suffrage touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any man.

That is the solemn oath of a man who holds an office in the State of Vermont. There is a pledge of allegiance to the State of Vermont of the most peculiar character that I think I have ever read. When

ever you go to vote, if you ever exercise the privilege of voting, you must do it as in your conscience "will most conduce to the best good of the same" the State of Vermont; there is but one thing needed to make it perfect, and that is that you shall so vote without reference to the Constitution of the United States or of any other State beside Vermont.

Mr. EDMUNDS. But it does not happen to be there.

Mr. MORGAN. It is not there except by implication. It is an encouragement to those people to attend to their own business, which I am delighted to see is in their constitution. I have no doubt that some good will come of that some of these days. This constitution of 1793 was amended in 1828:

> No person, who is not already a freeman of this State, shall be entitled to exercise the privilege of a freeman, unless he be a natural-born citizen of this or some one of the United States, or until he shall have been naturalized agreeably to the acts of Congress.

As late as 1828 the State of Vermont kept up this idea of freeman as contradistinguished from a man who was not free, notwithstanding that that State has always been so full of the spirit of freedom that a slave could not live upon its soil. A man who had ever been a slave could scarcely live there under the repressing influence of a constitution like that. If that very language was put into the constitution of Alabama to-morrow as it is to-day in the constitution of Vermont, I dare say that an army would be mustered in twenty-four hours and sent down there for the purpose of compelling us to strike it out. When, therefore, the Senator suggests to the Senate, as I suppose he will do some day, a further provision for the enforcement of the fifteenth amendment, having for its object the security of the rights of life, liberty, and property, and also the right of freedom on the part of all the citizens of the United States everywhere, I hope he will put in a clause which will make some impression upon the constitution of the State of Vermont.

Again, the State of Kentucky, as I was observing, still retains in her constitution all the provisions relating to slavery. These are all broken down by the force and effect of the Constitution of the United States, notwithstanding Kentucky refused to ratify the thirteenth amendment.

Mr. EDMUNDS. Before the Senator gets to Kentucky, which came into the Union the same year Vermont did, I wish he would read that other clause of the constitution of Vermont on the subject of involuntary servitude and slavery. In the bill of rights I think he will find it.

Mr. MORGAN. In the bill of rights?

Mr. EDMUNDS. I think so; that is, if the Senator is really serious in maintaining that there is now or ever was anything in the constitution of the State of Vermont that recognized, by implication or otherwise, the right of one man or set of men to enslave any other man or set of men, except on the judgment of a court to send them to prison or to a workhouse somewhere for crime.

Mr. MORGAN. I have not assumed, neither have I suggested at all, that the State of Vermont had ever committed itself to the doctrine that any man had a right to assume mastership or ownership over another under the system of laws relating to the institution of slavery. Not at all; but still the State of Vermont seems to have recognized the existence of such an institution. It seems to have recognized the fact when it used the word "freemen" to distinguish between men who were and men who were not free.

Mr. EDMUNDS. If the Senator will read the other clause he will see that he is mistaken in that implication altogether.

Mr. MORGAN. If I am mistaken in that I can conceive of no purpose that word has in that constitution; and I certainly cannot understand that the Senator from Vermont has lived but a brief lifetime even under that constitution with that word always before him, and which was reincorporated in the amendment made in 1828, and never has made a protest against its existence.

Mr. EDMUNDS. If my friend is really serious about this business, and I now perceive he is, just let me suggest to him that, if he reads the clause in the bill of rights, which declares that slavery or involuntary servitude being contrary to human rights and the law of God, &c., shall never be tolerated for a moment, he can find an explanation of the meaning of the word "freemen" not only as distinguishing between the sexes in the exercise of political rights, but also in respect of those who are lawfully restrained of their liberty as a punishment for crime, because people who are in the State prison and jails under sentence in our State are not thought to be worthy members of community to exercise political rights in voting. That, if my friend is serious, I will state to him is the serious explanation of the use of the word.

Mr. MORGAN. The little debate which we have had on the subject of Vermont and its constitution could all have been saved if the Senator in the outset instead of saying that he did not know what the word "freemen" meant, and undertaking to say that it was a distinction between man and woman, had said that it referred to persons who were restrained of their liberty in consequence of punishment for crime.

Mr. EDMUNDS. Frankness requires me to say to the Senator that I told him at that moment the simple truth, for I had not thought of it for twenty years.

Mr. MORGAN. I have no doubt about the Senator's telling the truth.

Mr. EDMUNDS. But hearing my honorable friend's discussion, and finding it to be serious, I can readily on a moment's reflection supply to him the answer.

Mr. MORGAN. I have no doubt at all about the Senator's entire sincerity in what he has said on this subject, but I was greatly surprised that he should not have understood what the meaning of the word "freemen" was in that constitution so as easily to have given an explanation to the Senate, and I was disturbed by it, not that I desire at any time to go to Vermont or to send anybody there from Congress or elsewhere to ask the people of Vermont to reform their constitution, but I could not help thinking that if we were probably so unfortunate in Alabama as to use such a word as that in our constitution what a terrible fate would be visited upon us through some act of Congress.

Mr. EDMUNDS. Your constitution used the words "free white men," I think; did it not?

Mr. MORGAN. It did; but before the Congress of the United States proposed to us an amendment on this subject we held our State convention and struck out slavery. That is the sort of readiness we have shown in accepting the situation and conforming to it. There is nothing in our State constitution to-day which is against the most rigid theory of the anti-slavery party, nor is there anything there which is against the most rigid theory of the anti-secession party; for we have said in our constitution in Alabama that we have not the right of secession. All the Northern States have retained the right if they ever had it. Not one of them has ever stricken it out as I believe. In Massachusetts it is a question of interpretation. Massachusetts thought she had the right in 1812 and 1813. She thought it was her right and she insisted that it was. She first started the idea in the United States Government which unfortunately we undertook to ingraft upon our institutions, the result of which has been so disastrous to us that we have stopped taking lessons in that school.

I wish, Mr. President, to show the extreme jealousy of the different States in the American Union in reference to this right of voting. I want to show how in every constitution of every State in the American Union there is a separate chapter or article on the subject of the elective franchise or suffrage, and to show how the various States have in their organic law made provision, sometimes by positive ordination and sometimes by making room for legislative action, so that the right to vote in these different States might conform to the peculiar idiosyncrasies of different people; as, for instance, in the State of Colorado. I will commence, however, with Kansas. The constitution of that State provides that—

> Every white male person, of twenty-one years and upward, belonging to either of the following classes, who shall have resided in Kansas six months next preceding any election, and in the township or ward in which he offers to vote at least thirty days next preceding such election, shall be deemed a qualified elector.

The free State of Kansas lying right west of Missouri in the bosom of that magnificent plain, where we supposed that the spirit of liberty would sweep over the people like the free winds sweep over the plains, has yet got the word "white" in her constitution. Shall we send some missionary or some congressional commission over there for the purpose of investigating that subject and having the word "white" stricken out of the constitution of Kansas? That is a good republican State, living yet under a slave constitution. The constitution thus executed in Kansas or attempted to be executed in Kansas would prevent a negro from voting in that State, if the effort were successful, and who would we punish then for this transgression of the fifteenth amendment?

Mr. EDMUNDS. What is the date of that constitution?

Mr. MORGAN. Eighteen hundred and fifty-nine, the last one.

Mr. EDMUNDS. That was in the time of a democratic Congress. I am very sorry it allowed the State to come in under such a constitution.

Mr. MORGAN. The democratic Congress always had respect for the rights of all persons in all parts of the United States which were guaranteed by the Constitution, and though there was many a democrat in the North averse to the institution of slavery, and who would liked to have seen it wiped out, he never felt that he had a right to do it until the Constitution was amended.

Mr. EDMUNDS. Does my friend mean to say that the democrats of the United States as a body believed that slavery could lawfully exist in the Territories, and that Congress had no power to prevent it? Kansas being a Territory, and no State being entitled to admission into the Union as a State except by the consent of Congress, why was Congress bound to approve slavery?

Mr. MORGAN. So many of the old-time democrats who were such before the war have found their way into the republican party that I do not have the same privilege of speaking of them now that I used to. If I felt at liberty to speak about them I might say something that would hurt their feelings, and therefore I had better not discuss a subject that runs so far away from the point of my argument.

The Senator's inquiry reminds me of a little matter that occurred in Alabama. An old gentleman who was a very devout democrat used to listen to my friend Pugh down there, an eloquent and a splendid democrat, argue the Kansas and Nebraska question. His boys went into the war, and all or nearly all of them were killed. He gave up his negroes and all the property he had, but he was very cheerful about it. Finally one day after the war was over he thought he would

come to town, having been secluded for a long time; but before coming he thought he would rehabilitate himself, and he went to his carriage driver Jack, who had been made a justice of the peace, and he got Jack to take him back into the Union by administering an oath of allegiance, as was then prescribed by the republican party to us. Feeling himself thoroughly rehabilitated, and doubtless very much refreshed, he came to town to see his old friend Pugh. "Well," said he, "Pugh, we have got through the war." "Yes," said Pugh, "we have." Said he, "my niggers are all gone, Pugh." "Yes," was the reply. "And my money is all gone; and my bank-stock; and I am old, and the old woman is old, and those poor boys of mine, they are all lying in their graves. I have got a great deal to regret, but nothing to take back. But," said he, "there is one thing I should like to know of you, Pugh. What has become of the New-braska question?" [Laughter.] The Senator from Vermont seems to be in hot search this morning of the "New-braska question," and he wants to know what has become of that.

Mr. EDMUNDS. Oh, no, Mr. President, my good friend brings forward the Nebraska question himself by the democratic constitution of Nebraska or Kansas of 1859, and supports it by his Alabama anecdote.

I can only say that I wish everybody in the South felt just as that good old man did, who took a sincere oath of allegiance to his old coachman.

Mr. MORGAN. If the Senator will come down to Alabama he will discover that the whole people of Alabama, almost without exception, feel just as that old man did. When they gave up sons and negroes, and everything of the kind, they uttered a brief sigh over the subject, and turned their backs upon it forever. They have no bitterness and no animosity at all in reference to the war or its losses, because, like men, they fully accepted the result, and having sustained defeat, they have buried their recollection of their losses with all their grievances in oblivion forever.

Mr. EDMUNDS. They are all for equal rights?

Mr. MORGAN. All for equal rights.

Mr. EDMUNDS. They will favor my resolutions, then.

Mr. MORGAN. They want to get their equal rights from the proper source. They do not want them from the hands of the Senator from Vermont as a Congressman here. They would rather go to their own Legislature and State constitution and get their rights from the fountain source of authority where their fathers did. There is the issue; there is the difference between us. The Senator is determined he will give us something he considers equal rights. We prefer to have the judgment of those who live among us and know us better than he seems desirous of knowing us, and who have feelings of greater sympathy and commiseration for us than the Senator from Vermont. So much for that.

California amended her constitution in 1862, during the war, and she made no change in her previous constitution; in which she had the word "white" as a requisite of the right to vote.

Every white male citizen of the United States and every white male citizen of Mexico, &c.—

Having other qualifications, shall be entitled to vote.

The constitution of Connecticut is a very good one indeed. That State without such a constitution never would have produced such men as we see here. That State would never have produced such a democrat for instance as my friend who is now absent from his seat [Mr. EATON] unless the people of Connecticut had been under a wise and good constitution, one adapted to their own people, one calculated to bring forward civilization, to establish all the valuable institutions that have in them rich benefactions for mankind. When I read the provisions of the constitution of that State I do not read complainingly; I do not read with the idea that I or any other man ought to undertake to interfere with it, but I read it for the purpose of showing that it would be a very poor constitution for the people of the section of country in which I live; and if we were to attempt even in Alabama to adopt it or had ever adopted it, we should have had armies and navies there for the purpose of repealing it.

The constitution of Connecticut provides that—

All persons who have been, or shall hereafter, previous to the ratification of this constitution, be admitted freemen, according to the existing laws of this State, shall be electors.

SEC. 2. Every white male citizen of the United States who shall have gained a settlement in this State, attained the age of twenty-one years, and resided in the town in which he may offer himself to be admitted to the privilege of an elector at least six months preceding, and have a freehold estate of the yearly value of $7 in this State; or, having been enrolled in the militia, shall have performed military duty therein for the term of one year next preceding the time he shall offer himself for admission, or, being liable thereto, shall have been, by authority of law, excused therefrom, or shall have paid a State tax within the year next preceding the time he shall present himself for such admission, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

What would have become of the carpet-baggers who went down South if they had been required to sustain and prove a good moral character, not only before they voted but before they took possession of the States? It would have been a happy thing for us if we had had such a constitution as that; but if we had dared to exercise our rightful authority as a coequal of Massachusetts in this great Union in the ordination of such a constitution as that, bayonets would have bristled around us and heavy artillery would have been trained upon us, and we would not have been permitted to do it.

I was going to read from the constitution of Delaware, that good, old-fashioned State which has scarcely crept out of the shell of her old British character as yet, and the conservatism she has exercised in her institutions, her laws, and over her people has produced perhaps as good a population as can be found in the United States, and has contributed immensely to the credit of the Senate of the United States and to the welfare of the people of the entire country. Delaware has in her constitution to-day the words "free white male citizen of the age of twenty-two years," as a qualification of a voter. Indiana has a similar requisition; Maryland has a similar one. Massachusetts I will notice. No man who wants to get a good example of life and who wants to understand all the essential arts of success would in any manner pass by Massachusetts without observing upon her constitution. The amendment to the constitution of 1780, ratified in 1857, is the first one to which I shall call attention:

No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language, and write his name: *Provided, however*, That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upward at the time this amendment shall take effect.

It is said, and I suppose is so meant, in the resolutions of the Senator from Vermont, that the Constitution of the United States in the fourteenth and fifteenth amendments confers citizenship upon the negro, and with citizenship the right to vote, and the attempt is made here, or I suppose it will be made, to deraign that right to vote from the Constitution of the United States through these two amendments. The constitution of Massachusetts prescribes that a man to have the right to vote there shall be able to read the constitution in the English language and write his name. Suppose one of the black citizens of my State should go to Massachusetts to settle, who cannot write his name and cannot read the constitution of Massachusetts and he should dare attempt to vote there, would it be understood in Massachusetts or here either that the fourteenth and fifteenth amendments repealed that part of the constitution of that State as to a negro and left it standing as to a white man; that a white man who went from Alabama to Massachusetts would not have the right to vote unless he could read and write, while a negro who went there would have the right to vote under the guarantee of the fifteenth amendment, whether or not he could read or write? There is a fair and just presentation of the question involved in the debate between the Senator from Vermont and myself, and in his resolutions.

It was proper in Massachusetts to have this provision in the constitution of that State. Massachusetts saw the necessity of educating the great masses of the people upon whose enlightened convictions and on whose honest and enlightened judgment and conduct free institutions at last have to be based, and she has held to this provision in her constitution year after year, amid the jeers and complainings of other States and other people, I might say with almost heroic persistence, believing it to be necessary for the welfare of that great and distinguished Commonwealth. But as to Alabama, if we should undertake to incorporate this provision into our State constitution, I dare say the whole republican party of the United States would rise as one man to denounce the iniquity of putting a condition upon the people of Alabama that they should be able to read their own constitution and write before they could vote, for it would be understood in all republican circles that we intended to disfranchise the great mass of the negro population. That is what would be said to us; and who can conjecture what would not be done to us for assuming to enjoy so much of sacred liberty?

They have a constitution in Massachusetts that could not exist in Alabama for the reason that the Congress of the United States would not allow it to exist there. Can Congress come in between us and equalize these rights and privileges under the Constitution of the United States so as to take from Massachusetts this provision of her constitution or so as to prevent us from adopting it? Sir, there is no such power. When such power is exercised in this country, then there is usurpation on the part of Congress which is absolutely destructive of the individuality, the independence, and the sovereignty of the different States. Gentlemen, while they are voting upon resolutions which contain broad and high-sounding declarations about constitutional law, would do well to inquire when these principles are carried into final effect what may be the result upon their own States. We are not afraid of them so far as we are concerned. You may take a few of our people and land them in the penitentiary or lock them up in jails to add some higher sanctity to the sacred names of liberty and justice, but our constitution is so framed that it is out of the reach of any disturbance. It cannot be made wider than it is; it cannot be made freer than it is; it cannot be made less objectionable to the demands of the republican party than it is. We have surrendered everything in our constitution except simply the right of local self-government. We do not ask any State in any part of the Union to surrender anything at all. We do not ask the Senator from Vermont to give up his freemen restrictions, nor we do not ask Kansas to strike "white" out of her constitution. We do not ask Connecticut to strke out of her constitution the provisions there which are so favorable to her progress and sustentation. We do not ask Massachusetts to strike out the provision of disqualification because a man cannot read and write. Let them all stand; let every community, every State, judge for itself that which is best to make it not merely a contributor to the general welfare of the people of the United States, but a contributor also to the general welfare, the enlightenment, the prosperity, the Christianization, and the civilization of the entire world. Leave

them free and let them be trusted as men ought to be trusted in the land of this great "composite race" which is leading all the hosts now moving in the march of civilization and intellectual triumph, and whose splendid conquests are decorating the entire world with the trophies of art, science, and industry.

Peculiarities exist in the constitutions of different States not yet mentioned by me, in Michigan, Nevada, New Hampshire, Ohio, Oregon, Pennsylvania, Rhode Island, and Wisconsin. I will not detain the Senate, though I intended when I took the floor this morning to have done so, by reading from these different State constitutions the provisions relative to the subject. I have long enough dwelt upon this subject to bring it to the attention of the Senate, and I dare say it is a subject which in the further discussion of these matters will be somewhat elaborated. I will therefore close my remarks before I intended to have done so according to the programme which I had arranged in my own mind for the argument of this grave subject.

The resolutions of the Senator from Vermont are too broad in their sweep, they are too indefinite in their expressions, they are too complex in their arrangment, they are too concealed to enable me to give to them my sanction. They are unnecessary because they do not suggest any necessary measures of legislation. No good can grow out of the adoption of them because they are confined simply to the expression of the opinion of the Senate and do not ask the concurrence of the House in anything. They seem to have been brought forward in the Senate for no other purpose than merely to gain an expression of opinion. We have the opportunity to give enough of expression of opinion here in the form of votes upon measures of substantial value and advantage to this country not to use the public time, it seems to me, in the expression of opinions upon questions which are non-essential and must be fruitless of good to the people.

The resolutions as I have undertaken to portray them, for I have had to gather their substance from the reading of them simply and not through any explanation given by the Senator from Vermont, it seems to me mingle and confuse together certain premises and deductions which bear no legitimate and logical relation the one to the other. The premises themselves in some instances I have undertaken to show are faulty; the deductions are not logical; but on the contrary there is a vast gap between the premises laid in the first resolution and the conclusions drawn in the second.

The substitute which I have had the honor to bring before the Senate is copied almost literally from the decisions of the Supreme Court of the United States. The question remains for the Senate to determine whether they will accept the suggestions of the Senator from Vermont in the form in which he chooses to present them here, whether or not his *ipse dixit* shall become the law of the Senate and, as far as we have influence upon it, the law of the land, or whether, on the other hand, we will take the decision of the Supreme Court of the United States, a co-ordinate tribunal and department in this great Government, and follow that decision at least until we find that it carries us upon some hidden rock or some unknown shore.

What is the office and function of the Supreme Court? Why was it put in the Constitution as one of the departments of this Government? Why are its jurisdiction and powers expressly mentioned in the body of the Constitution, as also are the powers of the Executive and of Congress? Why was it made one of the great elemental powers and departments of this Government if it is to have no influence upon the destiny of the Government except to decide mere rights of *meum* and *tuum* controversies between private individuals that cannot bind the States or the Congress? Sir, I must discard if I do not denounce the doctrine that the Congress of the United States, or the Senate of the United States, taking it as a separate body, have the right to define the boundaries of their own jurisdiction contrary to the provisions of the Constitution of the United States as they are declared by the Supreme Court of this country. Whenever we sanction a doctrine of that kind we sanction the doctrine of legislative usurpation. The next step in the progress is to say, "We do not care what the Supreme Court has decided; we ourselves have jurisdiction, and having the right to declare the extent and limits of our jurisdiction we will declare it against the judgment of the Supreme Court." A law has been passed here of some important public character, as very many laws have been. The Supreme Court in a case made between two individuals residing in different States, or between a State and the people of another State, or it may be between two States, has taken the subject under advisement and consideration, has heard argument upon it, and has decided that the law of Congress is null and void because it violates the Constitution of the United States.

Mr. EDMUNDS. Which decision was that?

Mr. MORGAN. Many decisions.

Mr. EDMUNDS. Does the Senator think the Cruikshank decision is one of them?

Mr. MORGAN. I was not referring to that case.

Mr. EDMUNDS. I beg the Senator's pardon.

Mr. MORGAN. Does the Senator from Vermont undertake to say that the Supreme Court has never declared void a law of Congress?

Mr. EDMUNDS. Oh, no, I do not undertake to say that.

Mr. MORGAN. Would the Senator in the face of such a decision re-enact the law?

Mr. EDMUNDS. I would, if I thought it right to do so.

Mr. MORGAN. You would?

Mr. EDMUNDS. Most decidedly.

Mr. MORGAN. Then there is the difference between us, and that difference is not going to be forgotten. There is the great point of issue between us. You would re-enact the law if you thought it constitutional, though the Supreme Court had decided to the reverse. I would not. There is the difference between us, and there, Mr. President, is the difference between the Senator's resolutions and mine. There the whole pith and core of the subject is. As he was ready in reference to the Dred Scott decision, the Senator is ready now, to fly in the face of any decision of the Supreme Court of the United States which abridges his powers in this Senate and declares void his legislative acts. I, on the contrary, believe that this Government is to be maintained in all of its parts and all of its departments. I believe that this Government is a government which when it was first put in operation was balanced between three great departments of the country. I believe that the right of final judgment upon all questions of constitutional law was given to the judiciary, and when we take that power of final judgment away, and after they have decided against us, we reassert the laws and undertake to put them in force, we do nothing more than to go back to that which of all others was the most provoking cause of trouble in this country, the higher law; and the question to-day is as presented by the Senator in his remarks and his resolutions, simply a question between the higher law and the Constitution of the United States.

As this great Senator leads his hosts from the field of defeat, flying before the decree of the people, he cannot give up the struggle as he marches out of power, until he has put his shield behind him and hurled his Parthian arrows back upon the column of the people who are approaching under constitutional banners. He wants to break the Constitution down and assert his higher law wherever and whenever he pleases. I had supposed that the experience of the last twenty years had rather put a wet blanket upon the subject of a higher law in this country. We will never fight you for it again; we will never war against you for it again under this Government or any other.

Mr. EDMUNDS. I think you warred against it.

Mr. MORGAN. We fought you as we thought outside, but now we will stand inside of this Government claiming this constitutional organization, claiming its powers, claiming the just distribution of those powers between the different departments, and by appealing to the great heart of the people, by appealing to the enlightened consciences of Americans, we will re-engage in this battle again, not with arms, but with persuasion, with argument, with importunity, and imploration. We beg you not to bring back that aggravating cause of disturbance between the States of this Union. Do not assert your right because you and I are members of the Senate and also members of Congress to go to Massachusetts and compel the honorable Senator who sits at your side [Mr. HOAR] to take out of the constitution of his State that provision which relates to the ability of a man to read the constitution and to write his name, and thereby disfranchise thousands of voters; because when you turn loose this spirit of higher law there is no check; there is no restraint to it. A law that is higher than the Constitution is higher than everything else. A law that is higher than the Constitution is such a law as impelled republicanism in the latter part of the last century in France to overturn governments and institutions and in their place inaugurated bloodshed, the guillotine, the prison, and universal destruction. While the Senator, if he had taken his legitimate part in this discussion and had opened it, might not have committed himself openly to these doctrines, yet in the colloquy with me to which he has been provoked while I have been upon the floor he has disclosed at last his contempt of the Supreme Court and his intention to place the powers of the Constitution of the country again in conflict with the doctrine of a higher law, espousing the higher law and assuming its championship against the Constitution.

Mr. EDMUNDS. Mr. President, I only want to say just now, because it has not any legitimate connection with the resolutions that are before the Senate, that my notions of constitutional law and of higher law only differ from those of the Senator from Alabama in the way of applying them. I do not believe in the right of a party against whom the Supreme Court of the United States has pronounced judgment to resist the execution of that judgment by force on the theory of a higher law. I believe that it is his duty to submit. There may be possible exceptions to that; I am only now speaking of the general rule. But I do believe that it is not higher law, but fidelity to the Constitution of the United States, that compels me, on my oath as a Senator, when I am called upon to pass a law, to be my own judge on my own oath and conscience and intelligence of whether the Constitution permits me to pass such a law or not. In considering whether I ought to pass it in the light of the Constitution, I should pay great respect to any judgment of the Supreme Court of the United States that should bear upon that question. I should approach the passage of a law that should differ from their opinions in the light of the Constitution with great reluctance; but if after fair consideration and due deliberation and study it should be my opinion that that law was warranted by the Constitution, and that the public expediency and good also required it to be passed, I should believe that I was a perjurer to my oath if I failed to pass it because of the opinion of a co-ordinate branch of the Government.

It is scarcely necessary to cite illustrations, but I will take one. Suppose the Supreme Court of the United States should decide that it was the judge of the elections and qualifications of members of this

body, and should upon a suit, before a man had got his seat here, by another man instituted in the name of a State, so that it would have original jurisdiction on the face of the Constitution, undertake to decide that A and not B was the true member of this body, would anybody maintain, even my honorable friend from Alabama, that that opinion could have the slightest effect upon my duty here?

Mr. MORGAN. I desire to say one word. I would not say that such a decision was valid, because the Supreme Court had violated its constitutional jurisdiction in taking cognizance of the question.

Mr. EDMUNDS. Exactly; that is the case.

Mr. MORGAN. All the remarks I made are in reference to a decision made by the Supreme Court, within the limits of their constitutional jurisdiction, upon a question relating to the people of different States, individuals, property, boundary-lines between the States. Within the express jurisdiction given them in the Constitution of the United States they have the right to make final decisions which we cannot question.

Mr. EDMUNDS. Yes. Then we have got right on one part of the broad proposition of my honorable friend, and that is that where the Supreme Court of the United States decide against the Constitution we are not bound to regard it; where they decide according to the Constitution, we are. So say I. The question is, who is to judge? Where the Constitution imposes upon us the duty of passing laws just as it does the duty of deciding upon the qualifications and elections of our own members, and not otherwise, is it to be said that the Supreme Court can invade the duty that the Constitution has charged upon us and decide in advance whether we are authorized to pass a particular law or not?

I do not need to pursue it now, Mr. President. I only wanted to get myself out of the apparent bad public repute that my small fortunes would be in as being held up as a person who would defy not only the Supreme Court but the Constitution for the sake of some imaginary higher law. I do not wish to occupy that ground.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The question is on the amendment of the Senator from Alabama [Mr. MORGAN] to the resolutions of the Senator from Vermont, [Mr. EDMUNDS,] on which the yeas and nays have been ordered.

Mr. BAYARD. Before the question is taken on the original resolutions, or on the amendment, I have a few words to say.

Mr. RANSOM. Will the Senator from Delaware give way to a motion to adjourn?

Mr. EDMUNDS. I suggest an executive session. I do not urge going on now.

Mr. RANSOM. Very well.

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from North Carolina?

Mr. BAYARD. I give way for that purpose.

Mr. RANSOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at three o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 1, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

FORT CLARK, TEXAS.

Mr. GIDDINGS. I ask unanimous consent that the bill (S. No. 1627) making appropriation for the purchase of Fort Clark, Texas, be taken from the Speaker's table for the purpose of being referred to the Committee on Military Affairs.

There was no objection, and the bill (S. No. 1627) was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs, not to be brought back on a motion to reconsider.

Mr. SAYLER. I call for the regular order.

MAGGIE BARRON AND OTHERS.

The SPEAKER. The regular order is the morning hour, which commences at seventeen minutes past twelve o'clock; and the House resumes as the unfinished business of the morning hour the consideration of the bill (H. R. No. 6131) for the relief of Maggie Barron, Henry P. Gorman, and Walter Gorman, children and heirs at law of George Gorman, deceased. The gentleman from Texas [Mr. MILLS] is entitled to the floor.

Mr. ACKLEN. I ask the gentleman from Texas to yield to me for a moment that I may make a request.

Mr. MILLS. If it comes out of my time I cannot yield. Every moment I have is disposed of.

Mr. ACKLEN. I will not occupy two minutes of the gentleman's time. I merely desire to have a matter disposed of.

Mr. MILLS. I decline to yield for that purpose. I yield twenty minutes to the gentleman from Mississippi, [Mr. CHALMERS.]

Mr. CHALMERS. Mr. Speaker, I care nothing for the payment of southern war claims to southern loyalists, for if they were loyal then to the Union, they were disloyal to everything that I held dear. But that there were men in the South who were faithful to the flag of the Union in the midst of a terrible trial to their faith is unquestionably true, and I do not envy the cheap political capital that a Union soldier can make by telling such men that he has no more confidence in their honesty than a mouse has in a dead cat stuffed with straw. Under the rules of civilized warfare, which supplanted the barbarous usages of Tamerlane and Ghengis Khan, every nation has paid to individuals in the enemy's country for supplies taken to subsist their armies in the field. This Government refused to pay such claims to enemies in the South, but resolved to pay all such claims when presented by loyal men within two years when their loyalty could be established in its own courts. The claim now under consideration comes from minors and women, against whom statutes of limitation seldom run, and the Committee on War Claims has recommended that their claim shall be heard and adjudged by the courts, notwithstanding the bar of the statute of limitations. The gentleman from Wisconsin [Mr. BRAGG] objects, and taking advantage of the well-known opposition everywhere to war claims, seeks to blend them with claims for southern improvements, and endeavors to throw the odor of his dead cat over all demands coming from the South.

With a remarkable tendency to suspect fraud, he declares himself in advance unwilling to trust the honesty of either the claimants or the court. Such readiness to suspect corruption in others sometimes indicates an innate tendency to corruption in ourselves, and I am therefore not willing to charge corruption upon other men. I am here to do justice to all claimants, I hope without passion and without prejudice. The war and its issues are certainly dead with me. I have now but one political faith, and that is to preserve inviolate our local self-government; and but one political hope, and that is to build up the waste places in the South made desolate in war.

During last session I called attention to the difference in the spirit exhibited by northern republicans to improve a republican South and northern democrats to improve a democratic South. I now call attention to the speech of the gentleman from Wisconsin, [Mr. BRAGG,] not the one toned down in the RECORD next day, but the one made here and partially published in the New York Herald, and contrast it with the declarations of another distinguished Union soldier from New Hampshire, [Mr. BLAIR,] both of which appeared in the RECORD of the same day. In the RECORD he speaks as follows:

Mr. BRAGG. The gentleman from North Carolina says that 95 per cent. of the population of the South were true to the confederacy. That recalls to my mind the very eloquent remarks made yesterday by the gentleman from Mississippi, [Mr. HOOKER.] I was astonished that a claim so exceedingly loyal as this should find the gentleman from Mississippi as its champion. When did the Vicksburgh district before send a man here who represented the loyal people of that district, who should stand here and sing praises and chant pæans in honor of the loyal Southerners. [Laughter.] Ay, when I heard that speech, and saw in my mind's eye the long array of loyal claimants, and thought of their antecedents, I felt like saying to them what the mouse said when it saw the old cat hanging up against the wall: "Oh, you are there, my old friend, are you? You may stay there, for I would not trust you though your skin was stuffed with straw." [Laughter.]

Mr. CHALMERS. I would like to say to the gentleman that my colleague [Mr. HOOKER] is now out. He kept quiet the other day when my colleague was present. I do not think he should assail him behind his back.

Mr. BRAGG. It is not my purpose to assail any man; but if the gentleman says that I say behind his back what I would not say to his face, he mistakes the man whom he calls to order.

I beg pardon of the House if I have improperly alluded to the speech which the gentleman from Mississippi made yesterday in support of this claim; but I have got tired of seeing claims come here in one form, which, when this House expresses its sense upon them, are suddenly diverted into another channel, and of hearing persons talk about judicial examining and making laws fixing the rules of evidence to tie up the court, and then send the matter to accounting officers to determine what the value of the property taken was.

I would like to remind the gentleman from Ohio [Mr. KEIFER] how he quoted in his famous speech against the William and Mary College the well-settled law that no nation is responsible for the torts of its officers or soldiers, for the destruction of property in the course of war in insurrectionary territory; but, as I said, there has been in this House repeatedly a taunt thrown at us, and I regret to say that it comes from Mississippi.

We have been taunted with the $34,000,000 in the Treasury that belong to some one unknown or to the Government as proceeds of abandoned property and ought to be distributed in the South.

I would ask these gentlemen to take their eyes off from the $34,000,000 for a moment if they want to appreciate how we feel. Let them turn the glass over and look at another view—a sea of blood—thousands and tens of thousands of the best men in the land, North and South, weltering in their gore. Let them hear the cries of the wounded man from the battle-field as the cold chill of death strikes him, and by the cessation of the groans you knew that one more soul had gone to his final account.

Let them go and hear the piteous moans from the hospitals; let them go to the hill-sides and mountain-tops and to the valleys where thousands and hundreds of thousands are in mourning.

Then let them look at what is of the least account in the reckoning, the thousands of millions, the billions of money that were spent to put down this war; and when they place all these on the debtor side of the account, I would like to have them strike the balance—show, if they can, that the $34,000,000 of credit which belongs to somebody, they do not know whom, overcome the entries on the debit side.

I am not willing to sit here as the Representative of my constituents and allow these measures to be brought up in one form or another; from one member and another; from one committee and another, for the purpose of getting money out of the Treasury on the plea of loyalty.

These loyal men of the South are so few that the evil that will be done by leaving them out is nothing in comparison with the great evil that will be done if we open the door and allow the $17,000,000 for claims upon our Calendar to be passed and appropriations made for the benefit of men on the plea that they were loyal people of the South.

I have here time and again heard a threat thrown to the democracy upon this side of the House which I have thought for a long time needed an answer, and it came

from Mississippi. I have heard it said here upon the floor of the House that unless the democracy of the North is more liberal, that unless they would open their hands and give out money more lavishly from the Treasury, the solid South would soon go over to the other side.

I say, as one of the Representatives of the democracy of the North, that if there are any men in the South who propose to belong to the democratic party simply for the reason that the doors of the Treasury are to be opened to them, the sooner they go over the better for them, the better for our party; and when the people of this country see and feel, as they are beginning to do, that they can trust the interests of the country with the democratic party of the North and South, then we can make recruits in the Northern States that will fill up our ranks to the maximum.

We have no need of that class of gentlemen that we can only hold to party allegiance by golden ties, by giving them the promise of everything which they may ask out of the Treasury.

He is more correctly reported in the New York Herald, as follows:

He, representing the democrats of the North, would say that if there was a man who professed to belong to the democracy of the South simply for the reason that the doors of the Treasury were to be opened to them, the sooner they went over the better for them and the better for the democratic party. When the people of the country felt that they could trust the Treasury and the interests of the Government with the democratic party, with no danger of the democrats of the North selling out body and soul to the democrats of the South, that party could gather recruits in the Northern States that would fill up its ranks to the maximum, and it would have no need of that class of gentlemen whom it could hold only by giving them all they wanted.

The gentleman from New Hampshire, [Mr. BLAIR,] speaking of the Texas and Pacific Railroad, while opposed to the bill reported, said:

I have no doubts of the power of Congress, in its discretion, to make this appropriation, nor would I from any motive withhold from the great South or Southwest any boon which I would ask for other portions of our vast domain. The man who has not survived the hates of the war should have perished in it. We are, thank God! one people, and only one people. I pity the man who cannot see through and beyond this solid South and the wrongs by which she became and seeks to remain so, and the North rapidly solidifying in self-defense and for the rights of humanity, a solid *nation*, as indivisible and perpetual as the mountain-chains which bind them together, or the rolling girdle with which the Father of Waters forever clasps the teeming bosom of his bride.

The sun of our Austerlitz rose on the clouds of war, but has set in the glories of victory; and when this night of turbulent transition shall have passed away, as it will pass away, so sure as the revolutions of the universe proceed, the sun of peace and union will stand still in our heavens, not while some brief mortal wills it, but a full-orbed star, blazing in the zenith so long as the planet itself is inhabited by mankind.

And, sir, I would vote for any wise and necessary measure which will enlarge our commerce abroad as well as at home; any measure which will open to us new markets for the productions of every industry, whether northern or western or southern, or which will increase the demand for them, wherever one now exists, provided that individual or corporate enterprise is unable to accomplish the desired result.

When the West was in its infancy it was nurtured by the South with a fostering hand. Southern democrats aided Douglas on his Illinois Central Railroad bill. And when Mr. Pierce vetoed the bill to improve the Saint Clair Flats, very similar to the bill for the improvement of the Mississippi River, it was passed in a democratic Senate by a two-third vote over the veto, and Mississippi democrats stood by the democracy of Michigan.

Recently, when I was nominated for Congress the convention indorsed the Texas Pacific and at the same time the Northern Pacific Railroad bill.

I warned northern democrats last session that a refusal to recognize the just demands of the South might result in the defeat of southern democrats and the sending of other Representatives here who would form alliances with other parties. The rapid growth of independent candidates in the South has already sustained my declaration. I do not now take back a single line nor a single word of what I then uttered; but, recognizing that there are two classes of democrats and two of republicans, I repeat what I then said, that I hope the solid South may still be solid for the democratic party, but for that portion of it which has the courage and manliness to treat us as equals and not as inferiors in this Union.

The gentleman from Wisconsin, after having slept on my speech almost a year and after "nursing his wrath to keep it warm," now comes forward to excommunicate me from the democratic church and to give a general ticket-of-leave to all southern men who dare to ask justice and an equal distribution of appropriations from the Federal Treasury. He assumes to speak in the name of the northern democrats, and even if he had authority thus to speak I must say that this is the first time I ever heard of a minority undertaking to turn out the majority of a party. But this great leader from the solid democratic State of Wisconsin now proposes to show me to the door of the democratic party; and when the South asks but a small proportion of the Government aid that has been given to the North he treats her like a mendicant, and, with all the arrogance of Diedrich Von Beekman to old Rip Van Winkle in his own house, says, "Give her a cold potato and let her go." He proclaimed as the representative of northern democrats that they would not sell out body and soul to southern democrats. He rather intimated that he could do better and get more recruits in the North without a solid South than with it.

But, Mr. Speaker, I would like to know who made him the salesman of the northern democracy. I would like to know how many northern democrats he could deliver if he could find a purchaser, and I would especially like to know where he would find a purchaser for such democrats as he has shown himself to be. During the revolutionary war, when the British held the city of New York and our troops were encamped some distance above, there were guerrilla bands operating between the lines that were called "the Cow Boys and the Skinners." They were composed of deserters from both armies, and while they belonged to neither side they robbed indiscriminately from both and fled in the utmost terror when danger approached.

The gentleman from Wisconsin reminds me of these bands. He strikes first on one side and then on the other; but whenever a question comes up requiring the fearless courage of manhood to do justice to the South he rushes in frantic terror into the ranks of the most stalwart republicans to shelter his political head. If such men are democrats, I would like to know upon what principle of democracy they stand. When the war was over democratic soldiers met again as friends, and were ready to forgive on both sides; and when republicanism undertook to press the result of the war beyond the restoration of the Union and to the utter destruction of States' rights, men who had fought to save the Union said "Stop!" The new principle of the democratic party was peace and restoration—that the dead past might bury its dead, and that the bloody shirt should wave alone from the flag-pole of republican bummers. But the gentleman from Wisconsin has found a bloodier shirt than ever waved from the battlements of the republican party, and he is stretching his legs in a frantic effort to climb up to the republican platform and rob them of their last banner. He says, when we talk to him about thirty-four millions in the Treasury, the proceeds of captured and abandoned property, which the Supreme Court has held belongs to Southern citizens, but which they are barred from obtaining by a statute of limitations, that he will remind us of the war debt and the blood of Union soldiers for which the South is responsible. I would remind the gentleman that the war debt is not yet paid, and that the cotton and tobacco States have paid and are now paying far more of this debt than the State which he represents.

And as he has demanded a balance of accounts to be struck, I would ask him to calculate the value of four millions of slaves set free, the princely estates destroyed, the millions paid in pensions to Union soldiers and the decoration of national cemeteries, and the millions yet to be paid under the back-pension bill recently adopted, in all of which we bear our full proportion, and he will find that the balance of accounts is as largely in our favor as the difference in appropriations for internal improvements have been against us. But when the gentleman pleads the blood of Union soldiers as a set-off against the repayment of our money unlawfully taken since the war, he has reached a depth that the bitterest republican in the House has not yet descended to. With the skill of a camp-meeting funeral exhorter he harrows up our souls with a fearful picture of "a sea of blood," hecatombs of mangled bodies weltering in their gore, the groans of the dying and the cold chill of death, and asks us to look on this picture that we may not claim the money filched from our pockets. Like the junior member of "Quirk, Gammon, & Snap" he demands a pecuniary salve to soothe his wounded spirit. If his argument means anything, it means that we are to remain as inferiors in this Union, branded with the mark of Cain, with no rights except to pay taxes, and no powers except to fill offices with northern democrats. If he is a democrat I am not.

One word more, Mr. Speaker, and I am done with this subject. The gentleman talked very flippantly about men in the South who professed to belong to the democratic party. If I am correctly informed he has made professions on both sides; and I would reply to his summary dismissal of a certain supposed class of southern democrats that if there are any sore-headed or disappointed republicans in the North who cannot get into Congress without putting on the lion's skin of democracy, they should be very careful not to open their mouths too wide when they get here.

Mr. HOOKER addressed the House. [His remarks will appear in the Appendix.]

Mr. MILLS. Mr. Speaker, I had agreed to yield the remainder of my time to the gentleman from Pennsylvania [Mr. REILLY] whom I do not now see in his seat. As he is not here I will submit to the House a few thoughts, not upon the sectional and partisan aspects of this case, but upon the expediency of the course which we have been pursuing.

Since the cessation of hostilities and the restoration of the South to her political power on this floor, there has been a large amount of money expended from the National Treasury for the payment of "loyal claims." It has been recently discovered by some statesmen in the land that that is a bad policy, and it has been attributed to southern statesmen. It has been charged here and elsewhere that the country is in danger of being overwhelmed with war claims to be presented and passed through Congress by the votes of southern Representatives. How many rebel war claims have been passed through Congress by their votes? How many have been passed by the votes of any section?

Sir, no part of these claims have been paid to what is known as the confederate element in the southern portion of this country. I do not believe that one solitary dollar that has gone from the Federal Treasury has gone to reimburse any man whose heart beat in sympathy for that cause.

To whom has that money gone? It has gone to the exclusively "loyal" element in the South. Who is responsible for that legislation? I am sure her representatives can stand here and say to their accusers, "Thou canst not say I did it; shake not thy gory locks at me." Did not one of your most distinguished leaders in the North in 1876 boast to the people of Ohio that the party to which he belonged had poured out $100,000,000 of the public treasure to pay the loyal citizens of the South?

Loyalty at the South! Loyalty in that deadly struggle when every generous heart in that land, from the aged man tottering upon his staff to the child in its cradle, beat in sympathy for the success of her cause!

Whose were those spotless names in Sardis that walked in white through all the vigils of that night of temptation? Whose are the knees that did not bow at the altar of the idolator? Who are the brave patriots that clung to the floating planks of the Federal Union in that starless night of storm and shipwreck?

Where was loyalty found? Skulking behind her armies, in the bosoms of sutlers, speculators, contractors, and dead-beats, who had no devotion to either cause, but men in whose bosoms reigned supreme selfishness, upon the altar of whose hearts God had never kindled the fire of patriotism—bummers, speculators, and home-guards—men who had no country, and the only shrine at which they worshiped was the shrine of self. And in order to purchase that class as a political element the public Treasury was made to contribute, not under the leadership of southern democrats either, one hundred millions of dollars.

Since I have been a member of this House my distinguished friend from Pennsylvania [Mr. TURNEY] offered a resolution, for which I cheerfully voted, to shut down upon all applicants for claims arising out of the war, coming from any section of the Union, whether loyal or disloyal. It received only one vote on the other side of the House, and only twenty-four votes in the entire House. Yet that is the only true course and the only true line of statesmanship for us to pursue now. The only proper course is for us to regard this war terminated at Appomattox as waving the wing of oblivion over all these claims.

What justice is there in taxing the poor, persecuted people of the United States either in the North or in the South, exhausted by the most destructive and wasteful war that history gives any account of, taxing them to reimburse some who have merely a legal technicality as a claim to be presented against the United States? Why should the widow and the orphan whose husband and father poured out his blood for his country—why should they be taxed in their cotton and their woolen goods; taxed in their sugar, taxed in the medicine which they administered to them as they lay on beds of languishing and pain to pay the class now growing so numerous, who were loyal to their own sordid selfishness; who skulked behind the Army and now propose to take an oath that they did not sympathize with the cause of the Confederate States?

Sir, this is not right; it is all wrong. And these claims will increase in amount as we get away from the close of the war, and the hearts of those who present them will increase in loyalty and the claims will rise mountain-high as you recede from the bloody scenes of 1861 and 1864.

And the only proper, wise course for us to pursue is to adopt a constitutional amendment and say the war is ended, and all claims are paid or extinguished.

There was something which had to be determined by that war. It was left as a legacy by our fathers who founded this Government. They did not dare to settle the question upon which the North and South went to arms. It was left an open question for them in the Constitution. It came down and was debated for three generations, and at last 2,500,000 of the bravest men that ever trod the earth settled it in discussion on the bloody fields of battle, and to-day, to attest that settlement, perhaps a million of them are sleeping in their unmarked and unknown graves, while howling above them like jackals come these sutlers and bummers calling for their claims and appealing to the national honor to discharge its honest obligations.

Have they any higher or holier claim upon the national gratitude than the army of widows and orphans all over the Union whose husbands and fathers have laid down their lives for their country's welfare? Who is to pay them for their claims? Claims that cannot be estimated in figures, much less paid. Who is to lend a listening ear to the appeals that come from the grief-stricken households of the South, where the bier of death has been stretched by every hearthstone? Who can reimburse their claims? The cause for which her braves have fought is lost, and with it all was lost. Do you now propose to send the tax-gatherer to those households of poverty and extort from the pittance left them an annual contribution as long as they live to repay these so called loyalists? I shall vote against every one of them. [Applause on the democratic side.]

The SPEAKER. To whom does the gentleman yield the remaining portion of his time?

Mr. MILLS. I will yield to anybody who wants it. [Laughter.]

The SPEAKER. The Chair will then recognize the gentleman from Mississippi.

Mr. SINGLETON. Mr. Speaker, it is with sincere reluctance that I rise to take part in this debate. As long as charges such as were made by the gentleman from Wisconsin [Mr. BRAGG] against the South were confined to the republican side of this House and to the Senate I felt inclined to allow them to pass unnoticed, because I believed their purpose was to make political capital by drawing us into heated and imprudent discussions. But when the reproach is taken up by one who professes to be a democrat, and who intimates that southern Representatives and their constituents are held in the line of democracy simply by the hope of plunder to be obtained under the plea of loyalty of a part of our citizens, I think it is time I should speak for myself and the section of country which I in part represent.

The gentleman from Wisconsin, [Mr. BRAGG,] whose reconversion to democracy was quite as sudden, if not as important and interesting, as that of St. Paul to Christianity, has thought proper to make this charge indirectly against the South. Now, sir, I aver upon this floor and before the country that such a declaration is one of the most unfounded and unjust slanders ever put upon any portion of the people of the United States. Let us look for a moment to the facts of the case.

During the war, Mr. Speaker, "loyalty," as it was termed, which meant adherence to the Federal as against the confederate government, was at such a discount in the South as to produce social ostracism, and the man who proclaimed it openly scarcely felt his life secure. He was considered as an enemy to the South and to his people. Such was the intensity of feeling against these sentiments that men only uttered them with bated breath.

After the war was over the people of the North, appreciating what they termed "loyalty" and resolved to show their appreciation of such acts and opinions, established courts before which the claims of this class of citizens were to be heard and determined, and invited "loyal" men to come and propound them for settlement. These courts were organized with Union men as judges, who were lynx-eyed in their researches and deemed able to detect any fraud or imposition intended by what were called "rebels." When the cases were decided adversely to claimants they had the right of appeal to the Congress itself to revise the decisions of those courts. These tribunals were not established by southern men, much less by "rebels," but by Union men, northern democrats as well as republicans. When parties litigant could not get their claims through the courts fast enough they came to Congress where their claims have been urged in large numbers and millions of dollars have been paid upon them. "Rebels" had no part nor lot in all this matter. And even now be it known that we only introduce bills for our constituents—not that we indorse them, not that we come to the footstool of power and beg you to give these people what may or may not be due to them, but we do it because they are our constituents and have a right to our services in this matter. It is for gentlemen of this House to determine the question whether the claims are proper or not.

The gentleman talks about pecuniary losses sustained by his section during the war. If you will take into account the four million of slaves which were liberated, for which we received no compensation, you will find they were worth about $200,000,000. Add to this our losses by the depreciation, destruction, and confiscation of other property and the amount is almost beyond computation. Besides this, every battle, with a few exceptions, was fought upon southern soil, followed by spoliation and ruin. Your losses were not such as ours. I state these facts in no spirit of complaint, but simply for the truth of history. We went into the war with our eyes open, determined to win at all hazards, risking all we had upon the result.

It is not to be denied, however, that while the war was in progress many citizens in the North amassed immense fortunes by the manufacture of arms, munitions of war, clothing, and other necessary army supplies, and that in many localities the ravages and hardships of the war were scarcely felt. Not so with us. Its disastrous effects were felt everywhere. As to the losses of men in the respective sections, I have but a word to say. While the North by hiring substitutes and giving bounties to enlisted men was incurring a large proportion of the debt we are now endeavoring to pay off, there was scarcely a household in all the South which was not draped in mourning for the loss of father, husband, brother, or son.

The fighting we did was at the cost of the best blood of the South, while you were enabled by reason of having control of the Treasury of the United States to give bounty money to foreigners who fought your battles. I reiterate the statement that I am not complaining; I am uttering no reproach; but only declaring what yourselves know to be true.

Read us out of the party! Let me state a few facts which perhaps you have forgotten. Out of the thirteen Presidents of the United States elected up to the war we gave you seven—Washington, Jefferson, Madison, Monroe, Jackson, Polk, and Taylor; you gave us six—the elder and younger Adams, Van Buren, Harrison, Pierce, and Buchanan.

Mr. TOWNSEND, of New York. You took seven.

Mr. SINGLETON. The people elected them, and every part of the country accepted and honored them. I wish to say another thing to my friend from New York, not by way of taunt, but as a fact in history: while five southern Presidents were elected a second time, no northern President up to the war ever served more than four years.

Mr. TOWNSEND, of New York. You could not stand a northern man more than four years; you always beat our men the second time.

Mr. SINGLETON. I cannot yield further for interruptions.

During this period power was in the hands of southern Presidents forty-eight years, in the hands of northern twenty-four years. Did not the country prosper the while, and why, then, should we be read out of the party? Out of one hundred and thirty-six Cabinet officers of the United States up to the war we gave you sixty-seven—only one less than given by the North, having double our representation in Congress. Of Secretaries of State we gave you thirteen out of twenty-

three; of Attorneys-General, seventeen out of twenty-nine; of Secretaries of War, seventeen out of thirty-two. We have never had a President who seized upon that office against the will of the people. We have never had a Secretary who was charged and convicted of corruption or who ever sold the offices at his disposal.

Mr. TOWNSEND, of New York. What of Floyd, and Jake Thompson of your own State?

Mr. SINGLETON. The gentleman feels the force of what I have said, and I do not blame him at all that he squirms under it. The charges against Floyd and Thompson were nothing more than republican slanders.

Now, Mr. Speaker, I wish to say another thing which may have been forgotten. Every battle which was fought by our troops up to the late war in defense of the national honor or to repel invasion was fought under a southern President and our armies commanded by southern officers. The war of 1812 was begun and finished under the administration of Mr. Madison, General Jackson having brought it to a successful close. In this contest the principle of the right of search and the doctrine of expatriation were settled. The war of 1846 was carried on under the administration of Polk, a democrat and southern man; Scott and Taylor being the commanders of the Army.

I state further that there is not a foot of territory that has ever been acquired, either by purchase or conquest, outside of Alaska, that was acquired under any other than a southern President, not excepting the State of the gentleman from Wisconsin.

Now, sir, let the gentleman from Wisconsin consider these facts and say whether he thinks he has the right to read the South out of the party. Why, Mr. Speaker, if what I have heard of his political history be true, he is but a babe in democracy and needs to be fed upon the milk of the word until he shall have grown stronger, and even then he ought to tarry at Jericho till his beard is grown before he assumes to excommunicate the fathers in Israel and essays to be a leader in the party. [Laughter.]

It is said of the Greek poet Anacreon when he undertook on one occasion to change the notes of his harp, which had been accustomed only to songs of love, that he might celebrate deeds of arms and give out heroic strains, although his harp was strung anew for that purpose it refused to sound any but its accustomed notes of love. And so it may be with the gentleman from Wisconsin, who has been so in the habit of abusing southern democrats on account of "southern claims" and "raids upon the Treasury" that now his mouth refuses to speak anything but abuse of his southern party friends.

I hope, Mr. Speaker, we shall have no more of this. I am willing to shake hands with my brother, [Mr. BRAGG,] and with him bury the hatchet, that hereafter as democrats we shall be united. Unity in a party implies equality, and would that gentleman have us occupy a position inferior to his own? If so, I tell him it will not be done. Why, sir, out of the one hundred and fifty-seven members of our party on this floor the South has ninety-four, while the North has only sixty-three. If these southern gentlemen should take leave of the northern democrats, there is no telling what would be their fate; and yet you would read us out of the party! I trust southern Representatives are democrats from principle. We could long since, if we had adhered to party only for the loaves and fishes, have sold out to our friends on the other side of the House. [Laughter.] They are always ready for a trade. [Continued laughter.] You can learn that from the investigation which is now going on in the lower story of this building, where proof is being made that offices were sold to raise money for party purposes.

No, sir, we are not now, as we never have been, in market. Fully believing that this Government can only be administered safely upon the principles of the democratic party, we cast our fortunes in with it and shall share its fate be it good or bad. Talk no more to us of "the cohesive power of public plunder." It is not a plant of southern growth.

We are poor, it is true, but we are not ready to barter our honor, which has stood the test through all the past, for gold or the poor emoluments of office. We have nothing to ask of northern democrats but even-handed justice.

If the war is not ended, then raise troops and levy taxes to suppress the rebellion. Do not make war upon us in this House in an unmanly and covert way. If the war be over, then regard us as your equals and deal justly with us.

Are we in the Union or are we out of it? If we are in it, then behave toward us as friends and not as enemies. If out of it, then cease to intermeddle with our affairs and leave us to manage them as best we may. Let us have no more of these family quarrels, for nothing is more disgusting to the general public. Let us help each other in all that is right, and counsel each other in matters of party fealty. Otherwise we can be of little use to you or you to us.

Mr. HUMPHREY. That is as long as the gentleman from Wisconsin continues to run on the republican ticket.

Mr. SINGLETON. Of that I have nothing more to say. It has not been my purpose to say anything harsh to my political friends nor to gentlemen on the other side of this House. I have attempted to vindicate our motives and show by reference to the history of the past that we are at least worthy of some degree of consideration and confidence. If I have succeeded in this my only purpose has been accomplished.

Mr. MARTIN. I call for the previous question.

Mr. AIKEN. I ask the gentleman to keep his promise to me and allow me a few moments.

Mr. MARTIN. I will do it in the hour allowed to me to close debate.

Mr. AIKEN. I am opposed to the bill, and I simply wish to assign my reason for that opposition.

The SPEAKER. The gentleman from West Virginia [Mr. MARTIN] will have one hour in which to close the debate, and he can yield any portion of it to the gentleman from South Carolina.

Mr. MARTIN. I shall have an hour in the next morning hour, and the gentleman shall have all the time he wants. I will give my friend the time he asks for, but now I ask the previous question.

Mr. CONGER. I ask unanimous consent that the time be extended.

Mr. SAYLER. I object and demand the regular order.

The SPEAKER. The morning hour has expired. The Chair desires to state that the gentleman from Ohio [Mr. SAYLER] will occupy the chair for the remainder of the day.

REORGANIZATION OF THE ARMY.

Mr. CONGER. I call for the regular order, the morning hour having expired.

The SPEAKER *pro tempore*. The regular order is the consideration of the bill reported by the chairman of the Committee on Military Affairs, to reduce and reorganize the Army of the United States, and to make rules for its government and regulation.

Mr. BUCKNER. I desire to make a motion that the House go into Committee of the Whole.

Mr. CONGER. I call for the regular order.

The SPEAKER *pro tempore*. As the Chair has already stated, the regular order is the consideration of the Army reorganization bill reported by the gentleman from Ohio from the joint committee on the reorganization of the Army.

Mr. CONGER. I raise the question of consideration.

Mr. BUCKNER. I desire also to raise the question of consideration.

Mr. CONGER. I can do it alone.

The SPEAKER *pro tempore*. The gentlemen from Michigan raises the question of consideration upon the special order and the question is, will the House now consider the special order?

Mr. TOWNSEND, of New York. What is the special order?

The SPEAKER *pro tempore*. It is House bill 5499, to reduce and reorganize the Army of the United States and to make rules for its government and regulation.

Mr. BUTLER. I desire to reserve all points of order upon that bill.

Mr. HEWITT, of New York. If the House refuses to adopt this motion I will move to go into Committee of the Whole upon the Army bill.

Mr. BUCKNER. I desire to know how the Army bill has precedence?

The SPEAKER *pro tempore*. The Clerk will read the order made by the House on the 12th of December.

The Clerk read as follows:

Mr. BANNING, by unanimous consent, from the joint committee on the reform and organization of the Army of the United States, reported a bill (H. R. No. 5499) to reduce and reorganize the Army of the United States and to make rules for its government and regulation, accompanied by a report in writing thereon; which said bill was read twice, and, with the said report, was ordered to be printed and made a special order for January 9, 1879, after the morning hour, and from day to day thereafter until disposed of.

Mr. BUCKNER. On the 23d of April an order was made, not by a majority vote but by unanimous consent, to take up another bill. I desire to know if that bill has not priority now over this bill which the gentleman is trying to get up.

The SPEAKER *pro tempore*. The Chair is not mistaken. This is the special order, and the Chair is compelled to rule that it comes up. Now, if the majority of the House desire to consider the bill to which the gentleman refers they can vote down this motion.

Mr. CONGER. I ask whether the gentleman from New York [Mr. HEWITT] proposes to bring up an appropriation bill.

Mr. HEWITT, of New York. I do; and if this motion is voted down I will move to go into Committee of the Whole to consider the Army appropriation bill.

Mr. FORT. Is it in order now to move to lay the bill upon the table?

Mr. BURCHARD. The gentleman from Massachusetts [Mr. BUTLER] has reserved all points of order on the bill.

Mr. BANNING. The bill is a substitute for House bill 866. [Cries of "Regular order!"]

Mr. BURCHARD. I rise to a privileged motion.

The SPEAKER *pro tempore*. The Chair doubts whether the gentleman can do that while the gentleman from Ohio is occupying the floor, except to submit a conference report or to enter a motion to reconsider.

Mr. BURCHARD. Will not the Chair hear my motion?

The SPEAKER *pro tempore*. The Chair is not disposed to take the gentleman from Ohio from the floor. He is entitled to the floor under the recognition of the Chair, and the Chair must protect him in his rights.

Mr. BURCHARD. Will the Chair hear me on the point of order——

The SPEAKER *pro tempore*. The Chair cannot allow a member to be taken from the floor for a motion.

Mr. BURCHARD. The Chair certainly does not mean that.

The SPEAKER *pro tempore*. The Chair understood the gentleman to state that he wanted to submit a motion.

Mr. BURCHARD. Does the Chair decide that I cannot make any motion?

The SPEAKER *pro tempore*. Not while a gentleman is occupying the floor.

Mr. BURCHARD. I will call the attention of the Chair to a rule.

The SPEAKER *pro tempore*. If the gentleman rises to the point of order that the gentleman from Ohio [Mr. BANNING] is out of order in occupying the floor, the Chair will recognize him.

Mr. BURCHARD. The rule gives any member the right, after the expiration of the morning hour, to move to proceed to business upon the Speaker's table, and that motion will take a member from the floor. This is the rule, as will be found on page 172 of the Digest:

It is an unvariable practice, too, to permit a member, upon the expiration of the morning hour, to take the floor, even though another may be occupying it, to make the motion to proceed to business on the Speaker's table.

I now take the floor and submit that motion; and pending that motion I will yield to the gentleman from New York [Mr. HEWITT] to move that the House resolve itself into Committee of the Whole, for the purpose of proceeding with the consideration of the Army appropriation bill.

Mr. COX, of New York. I would like to inquire of the Chair, what is the question before the House? Is it to take up the Army appropriation bill, or to take up the bill of the gentleman from Missouri, [Mr. BUCKNER?] Suppose I vote "ay" on the pending proposition, for what am I voting? [Laughter.] Am I voting to take up the bill of the gentleman from New York [Mr. HEWITT] or the bill of the gentleman from Ohio, [Mr. BANNING?]

The SPEAKER *pro tempore*. The Chair has distinctly stated that the question of consideration has been raised upon the special order, being the bill in charge of the gentleman from Ohio, [Mr. BANNING.] Pending that, however, the gentleman from Illinois [Mr. BURCHARD] moves to proceed to business on the Speaker's table, and under the rule the Chair is required to recognize that motion. But after business on the Speaker's table shall have been disposed of, the Chair will recognize the gentleman from Ohio, [Mr. BANNING.]

Mr. BURCHARD. And pending that motion——

The SPEAKER *pro tempore*. The gentleman must submit the motion to go to business on the Speaker's table.

Mr. BURCHARD. And pending that motion I am entitled to move that the House resolve itself into Committee of the Whole on the Army appropriation bill.

Mr. HEWITT, of New York. I doubt whether the gentleman from Illinois [Mr. BURCHARD] has the right to make such a motion about a bill of which I have the charge.

Mr. BURCHARD. Any member has the right to make that motion; but if the gentleman from New York does not want to consider that bill now I will withdraw that motion.

Mr. HEWITT, of New York. The gentleman from Ohio [Mr. BANNING] has charge of a bill for the reorganization of the Army. If that bill is to be considered and acted upon by this House at all it is desirable that it shall be considered in advance of the Army appropriation bill, because it will in some measure affect the provisions of that bill. I have consented not to antagonize the gentleman from Ohio, [Mr. BANNING.] It is in the discretion of the House whether it will proceed to consider the bill of the gentleman from Ohio or not. I now give notice that if the House does not decide to go on with that bill I will then move to go into Committee of the Whole on the Army appropriation bill.

Mr. BURCHARD. Then I withdraw the motion to proceed to business on the Speaker's table.

The SPEAKER *pro tempore*. The question before the House is, will the House now proceed to consider the bill of which the gentleman from Ohio [Mr. BANNING] has charge?

Mr. GARFIELD. And that motion is not debatable.

The question was taken; and upon a division there were—ayes 77, noes 112.

Before the result of this vote was announced,

Mr. BANNING called for the yeas and nays.

The yeas and nays were not ordered, there being but 12 in the affirmative.

So the House determined not to proceed to the consideration of the bill for the reorganization of the Army.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted on its amendment disagreed to by the House to the bill (H. R. No. 5180) to abolish the volunteer navy of the United States, agreed to the conference on the disagreeing votes of the two Houses, and had appointed Mr. SARGENT, Mr. ANTHONY, and Mr. MCPHERSON as conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

Mr. HEWITT, of New York. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill making appropriations for the support of the Army.

Mr. HEWITT, of New York. I ask that the first and formal reading of the bill be dispensed with.

There was no objection.

Mr. HEWITT, of New York. Mr. Chairman, when two days ago I attempted to launch my little bark freighted with a public cargo I found that I was on a stormy sea, and so I put back into port. The storm has come and passed, and as usual is succeeded by a calm in which we can hope to get a patient hearing for the public business.

The bill for the support of the Army which we are now considering is based upon estimates of the Secretary of War to the amount of $29,084,500. The amount recommended by the bill under consideration is $26,747,300, which isless than the estimates by the sum of $2,337,200. It exceeds the amount appropriated by the corresponding bill of the last session by the sum of $969,112.82.

This excess arises from the fact that the bill as it passed the House at the last session made appropriations for the support of an army containing twenty thousand five hundred men. In the Senate the number was increased to twenty-five thousand. But the Senate did not change the money figures of the appropriation. There was no power in the committee of conference to change those figures; and the consequence was that the bill of last year did not appropriate a sufficient amount for the support of the Army.

I am glad to say, however, that owing to the great economy which has been shown in the various departments of the military service the deficiency, which would have been $1,260,000 if measured by the additional pay alone, has been reduced to $700,000; so that if the necessary sum had been appropriated last year for the support of an army of twenty-five thousand men the amount appropriated by this bill would be almost identical with the amount required for the support of the Army last year.

The saving which we have been able to make has been mainly in the item of subsistence—the rations—which were estimated last year at twenty-two cents and are estimated this year at twenty cents, owing to the great fall in the price of the necessaries of life. The consequence is that no material additional expenditure is authorized by the bill, and there is no considerable saving.

Here let me say to the House that I do not deem it possible to effect any further considerable saving in the cost of the maintenance of the Army as it is now organized. In my judgment every item is reduced to a minimum. If there be any serious abuses in the expenditures of the money appropriated I do not know where they are. If, therefore, saving is to be made hereafter, it must be by another process, the process of reorganization and reconstruction. This will be evident by a reference to the amounts appropriated since 1874. In that year the appropriations for the support of the Army were $31,796,008.81; in 1875 the amount appropriated was $27,788,500; in 1876, $27,933,830; making for the three years under what I may term, if gentlemen on the other side will allow me, republican rule, a total of $87,518,338.81. For the three years of democratic control of this House the appropriations for the Army were: in 1877, $25,987,167; in 1878, $25,612,500; and in 1879, $25,778,187.18; making a total of $77,377,844.18—a reduction or $10,140,494.63 in the three years since the democrats have been in power in this House, as compared with the three previous years.

But as I wish to do entire justice, I must say that the expenses of maintaining the Army had been in the natural course of things reduced by a fall in the cost of supplies. Moreover, from this apparent saving of $10,000,000, there is to be made an honest deduction of about $2,000,000 for deficiencies which have been created, and which, so far as not appropriated for, have not yet been made good. So that the sum total of saving which we can claim on the Army appropriation bills within the last three years may be said to be about $8,000,000. But it is right to observe that the deficiencies have been altogether due to the extra cost of the Indian wars, which had not been anticipated or estimated for when the appropriations were made. The saving, therefore, since the advent of the democrats to power in this House may therefore be set down as $8,000,000 to $10,000,000; a considerable sum, it is true, but small in comparison with the economy which might be effected by a proper reorganization of the Army.

LEGISLATION ON APPROPRIATION BILLS.

When I reported the Army appropriation bill last year, I undertook to show the House (and I think I succeeded in showing) that the Army could be reorganized so as not to impair its efficiency and still save annually about $4,000,000. According to the plan which I then submitted, about half that sum was saved by a reduction in the number of officers, for it is notorious that the Army is overloaded with officers; it is top-heavy. The other half was saved by reducing the number of men from 25,000 to 20,500 and by a reorganization of the regiments in such a manner as I believed would make this reduced number of men quite as effective as the number now in the Army—25,000. That proposition was adopted in the House, but was rejected in the Senate. The conference committee that had to pass upon this question was placed in one of the most embarrassing positions which

could possibly occur in the legislation of the country. The rule of the House is that any general legislation may be incorporated in an appropriation bill, provided it effects a retrenchment of expenditures. The rule of the Senate is that no general legislation can be attached to appropriation bills. As a matter of course, the rule of the Senate could not by any possibility restrict or infringe upon the constitutional right of this House to send to that body a bill in any shape or form it may choose; but, on the other hand, it is quite as impossible for this House to constrain the action of the Senate. If that body should think the general legislation upon an appropriation bill to be inadmissible, we have then presented this alternative—the failure of the bill or the surrender on the part of this House of its claim to legislate upon appropriation bills.

My own judgment and conviction, the fruit of very considerable study before I had the honor to be a member of this House, and of very much observation since I have been here, lead me to the conclusion that as a rule general legislation upon appropriation bills ought to be avoided. But, Mr. Chairman, the question presents itself whether at any time and under any circumstances this House can be justified in insisting upon legislation in an appropriation bill even to the extent of allowing the bill to fail. That question is answered by a reference to the history of the birth and growth of British liberty. Redress of grievances prior to the passage of appropriation bills, prior to grants of supplies, has been the only instrument by which the British Commons have constructed and maintained the edifice of civil liberty. When the question of personal liberty—the right of the subject as it is called in England, the right of the citizen as we call it—comes in question, then by every lesson of tradition, by every conclusion of statesmanship, this House is not only justified in insisting upon a redress of grievances before agreeing to a supply bill, but to do anything else would be to abdicate its powers and to be treacherous to the memory of that long line of patriots who went before us in building up the fabric of human freedom which we inherited from our British forefathers, and which it is our duty to conserve and protect with the same fidelity as the English people to this hour display through their representatives in the halls of Parliament.

THE CONFLICT.

Now, Mr. Chairman, such an occasion arose in the Forty-fourth Congress. There were two conflicts in that Congress, one of which determined the result of the presidential election. This House agreed to a method of settlement of the gravest of all political questions which had ever arisen in this country, and it was loyal to its engagements. The second question arose on the Army appropriation bill, and it arose in this wise: it was the conviction of a large majority of the members of this House that the result of the presidential election was not in accordance with the choice of the people, but was governed, influenced, and controlled by the use of the Army in the States of Louisiana and South Carolina. There was then presented to the majority of this House one of those crucial tests which try the patriotism and statesmanship of Representatives. True to the lessons of the past, they attached to the Army appropriation bill a provision in the exercise of the unquestionable right of Congress directing where, when, and how the Army should be used in the States of South Carolina and Louisiana; that the Army should not be used to maintain certain State governments which had been created and only kept in existence by the exercise of the military power under the orders of the President. I mean by his "military power" his control over the military forces of the country which he exercised under certain statutes passed at the close of the war. The Senate refused to assent to that provision.

Three several conference committees, composed of different members, met and conferred upon the matter in difference. They failed to come to an agreement, and the result was the Forty-fourth Congress adjourned without passing any bill for the support of the Army. For one, I approved the steps taken by this House. I felt that to have done less would have been a base surrender of the right of a free people to control the Army and determine to what use it should be put. I repelled then, and I repel now, the idea that the President of the United States has any other control as Commander-in-Chief of the Army except that which is in accordance with the statutes which Congress may adopt. He is the organ through which the orders of the people, expressed by Congress, are to be given to the Army; and to surrender the power of regulating and controlling the use of the Army would be to convert this Government into a centralized despotism.

Moreover, I was glad the bill failed. It would have been a misfortune to this country if common ground had been found on that occasion by which this question should have been passed by for the moment and put out of sight. The loss of the bill aroused the attention of the people of this country to the old story of British liberty forgotten amid the din of arms and the conflict of war. It revived to a youthful generation who knew not the history of those men who from the time of James I to that of William III, consecrated their lives and their fortunes to the cause of human freedom, and with stern unbending energy never yielded to the frowns, or the caprices, or the approaches of power until they had surrounded the right of the subject with a bulwark which has never been successfully attacked in England, and which could never have been attacked successfully in this country but for the fact of the civil war. The failure of that bill brought us back to the old landmarks, raised the old question and brought the public judgment to a conclusion on that subject which can never again be shattered.

THE EXTRA SESSION.

An extra session was made necessary by the failure of the Army bill. For one, I came to this House, to the Forty-fifth Congress, with a determination not to allow any question public or private to interfere with the restoration and the recognition of the right of Congress to control the Army. To me it was the question of questions. I was placed, to my own surprise, in charge of the Army bill. The question at once presented itself, shall we renew the issue upon this bill which failed, or shall we reserve it to the bill to come for the next fiscal year? It seemed to me that to raise the question upon the bill to take the place of the one which failed would be a mistake. I did not want to see the democratic party arrayed, either by implication or direct action, against the Administration which had come into power over their heads and against their wishes. I felt, and was the first to say, that the Administration had a title which could not be successfully attacked; and it seemed to me it would be a mistake to reopen the issue as it must necessarily have been reopened on that bill. I thought it was a mistake even to attempt any reorganization or reduction, and the bill was brought into this House without any reduction. And I ask pardon of gentlemen if I make this explanation, because I have been severely criticised in some quarters for what I did on that occasion. It was brought into this House without the reduction of a man, without an attempt to cut off an officer, without any provision looking to the assertion of the right of the people to control the Army. This omission was done purposely and the bill passed, and then disappeared, I trust forever, the wreck which surrounded the late presidential campaign.

THE POSSE COMITATUS CLAUSE.

When the new bill came along, the bill under which the Army is being maintained for the present year, then it seemed to me the question thus passed over ought to be raised anew. And here I want to make my acknowledgments to the distinguished gentleman from Kentucky, [Mr. KNOTT,] the chairman of the Committee on the Judiciary, to whom I applied for help on that occasion, and who, with the skill of a Somers, drew the clause which is now known as the *posse comitatus* clause.

I did not think it wise to insert that clause in the bill as reported by the committee. I preferred that the committee should come in under the rules of the House with provisions which should reorganize and reduce the expense of maintaining the Army. I preferred that the fight should be made upon the question of economy, and you, Mr. Chairman, [Mr. SPRINGER in the chair,] and other gentlemen here will bear witness that whatever power I had I exerted to the utmost to secure the economy which that bill would have produced; and it passed the House.

But I say now that I regarded the question of money involved in that bill and the question of reorganization which it presented as of utter insignificance compared with the provision which I had arranged with my friend from Kentucky [Mr. KNOTT] to offer in this House. It was offered; it was ruled in order; it was passed, and it went to the Senate where it and the entire reorganization scheme were rejected. Then came the conference committee, and an anxious conference it was. I had a perfect understanding with my colleague on that committee, I mean my democratic colleague, that while we would secure as much economy and reduction of expenditures as might be possible, yet we would surrender it all, every jot and tittle of the saving, if we could preserve the *posse comitatus* clause; and we also had a perfect understanding that, no matter what might be conceded in the way of reduction and economy, it would be no temptation for us to give up that provision upon which, as he and I believed, the future liberties of this country depended. I trust my colleague will pardon me if I say that this country and this House know not the debt of gratitude which they owe to him. During the hours, long and anxious, during which that provision was under discussion, he exhibited a patience, an acuteness, a breadth of comprehension, I was almost going to say an adroitness, which cannot be too highly commended; and if to any man we owe more than to another the securing of that great triumph, it is to my friend and colleague from Illinois, [Mr. SPARKS.]

REORGANIZATION OF THE ARMY.

But, Mr. Chairman, we secured more than the *posse comitatus* clause, we secured a clause providing for the reorganization of the Army; that is to say, creating a commission whose business it was made to examine into the whole question and make report by bill or otherwise to this House, and pending such report and action thereon by the House all appointments and promotions were suspended.

That provision will secure a reorganization of the Army, whether in this Congress or in the next I know not and I frankly say I care but little. If gentlemen suppose that I take to myself any earthly credit for having studied the Army question and having tried to make myself familiar with a subject with which I had no previous acquaintance whatever, I beg them to dismiss any such idea. I have studied it with all the care that I know how to bring to it, and all the experience of a man of business; but I do not pretend to sufficient knowledge to deal with a subject of such vast difficulty. Nevertheless, I find by the study of the past that armies have never been successfully reorganized by soldiers. From the earliest days to the present time it has been the work of statesmen. Pericles and Ximenes, Louvois, Chatham, Hardenberg, Carnot—who, as Napoleon said, "organized victory"—and Wellesley and Castlereagh, and in our own

country Calhoun and Stanton were the men who successfully organized armies. It is the work of statesmen and not of soldiers. For civilians to pretend to direct armies would be the height of folly; but questions of organization and administration are the very questions with which civilians who aspire to be called statesmen, or who are worthy of the name, are called upon and ought to deal; and army reorganization is one of the most conspicuous examples in which they have heretofore shown and will to the end of time show their capacity for successful administration.

REPEAL OF THE POSSE COMITATUS CLAUSE.

But, Mr. Chairman, our work is not done. The *posse comitatus* clause is objected to by the Secretary of War in his report. The Secretary of War is a lawyer of very great distinction; I had the honor to serve with him for two years in this House; he has no warmer admirer than I am and I would take his construction of a statute as readily as that of any man I have ever known. But in his report he has failed to grasp the magnitude of this question when he even suggests the idea of a repeal of the *posse comitatus* clause. Repeal never! I think that I am safe in saying that not a vote will ever be cast on this or the other side of the House for the repeal of that muniment of human liberty.

Mr. McCOOK. I would cast such a vote, for one.

Mr. HEWITT, of New York. My colleague from New York says he is ready to vote for its repeal. I hope the gentleman will live long enough to devote himself to the study of those underlying principles upon which the fabric of constitutional law has been built. The narrower construction of statutes I concede the gentleman has studied and in that he is possibly an expert, but when it comes to these questions which concern the very essence of free government, there is a work for him to do which he seems not yet to have undertaken.

Mr. McCOOK. If the gentleman will permit me——

Mr. HEWITT, of New York. I would rather not be interrupted. I am quite willing if the gentleman desires to answer anything I have said that he should do so at the close of my remarks. I would not have made any reference to him but for the fact that he interrupted me.

Now, sir, I say repeal, never! Definition, yes. The provision may be too broad. It may impede the action, the proper action of the Government. There may be cases wherein the military power might be employed properly and usefully in the execution of civil process. It is not for me who am no lawyer to say what those cases are, but I can understand that on the frontier and in the Territories of the United States there may be occasions when in the absence of police it may be necessary to invoke the aid of the Army, and I do not know that even that is prohibited by the clause; but if there be any prohibition which interferes with the security of life, liberty, and property then let us define and correct it, and I trust it will be the work of the next Congress to define when and where and how the military power of the country may be invoked. My colleague says he will vote for it. I commend to him an extract from a letter of one who is a great lawyer and who happens to be the chief cabinet officer of this country at this time; possibly his authority might go a little way with the gentleman. Mr. Evarts, then Attorney-General of the United States, in a letter addressed to a United States marshal used the language which I now ask the Clerk to read. Remember this was prior to the passage of the *posse comitatus* clause.

The CLERK. After quoting the act of '89 and the familiar opinion of Mr. Cushing in relation to the fugitive-slave act, Mr. Evarts says, addressing a United States marshal:

While, however, the law gives you this power to command all necessary assistance and the military within your district are not exempt from obligation to obey, * * * the special duty and authority in the execution of process issued to you must not be confounded with the duty and authority of suppressing disorder and preserving the peace which under our Government belongs to the civil authorities of the United States. Nor is this special duty of the marshal in executing process issued to him to be confounded with the authority and duty of the President of the United States in the specific cases of the Constitution under the regulations of the statutes to protect the States against domestic violence, or with his authority and duty under special statutes to employ military force in subduing combinations in resistance to the laws of the United States; for neither of these duties or authorities is shared by the subordinate officers except when and as the same may be specifically communicated to them by the President. * * * Nothing can be less in accordance with the nature of our Government or the disposition of our people than a frequent or a ready resort to military aid in execution of the duties confided to civil officers.

MILITARY INTERFERENCE AT THE POLLS.

Mr. HEWITT, of New York. That is sound law and it is statesmanship. Now, this work which we have undertaken is not yet completed. I ask the Clerk to read section 2002 of the Revised Statutes.

The Clerk read as follows:

No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States or to keep the peace at the polls.

Mr. HEWITT, of New York. "Or to keep the peace at the polls." This statute was enacted in 1865 after the close of the war. It was enacted as a protection of the citizen in his right of voting against military interference that "no military or naval officer or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held." The object was to prohibit the presence of troops at the polls, and then as if in irony which is almost sublime the words follow, "except it may be necessary to repel the armed enemies of the United States *or to keep the peace at the polls.*" I do not know who wrote that statute, but under favorable conditions he would have developed into a satirist of the highest order.

"To keep peace at the polls!" How easy is it to have a little disturbance at the polls. It can be got up to order, and generally without order, and then the military officer may march up his troops to preserve the peace, but where meanwhile is the voice of the people? *Inter arma silent leges.*

On the day of election the people are sovereign. That is the day when the soldier should not be seen. Moreover, it forms no part of the duty of the General Government to "keep the peace at the polls." That is the duty of the States; that is a part of the sovereign power which they kept to themselves.

Prior to 1865 no one ever suggested that the Federal Government could enter within the confines of a State and "keep peace at the polls." In saying this I do not mean to reflect upon my republican friends.

The close of the war, when this statute was passed, was a martial era. Men still breathed a military atmosphere; passion still reigned supreme, passion upon both sides. The judgment of men was paralyzed. They were in no condition to frame just and wise legislation. But how it happens that this clause has thus far been allowed to remain upon the statute-book passes my comprehension, and I appeal to gentlemen upon the other side of the House with the same confidence that I do to those upon this side, to help us to expunge it from the statute-book as a blot on the charter of American freedom.

THE BRITISH PRACTICE.

If the gentlemen want to know how monarchical governments protect the liberties of its subjects let them listen to the wise and solemn words of the British statute.

This statute which I will have read was enacted in the reign of Queen Victoria. It was the re-enactment of a statute passed during the reign of George II, and if I may be permitted to refer my colleague [Mr. McCOOK] to Blackstone, he will find some suggestive commentaries on the subject of this statute, which had been enacted just before their publication.

The Clerk read as follows:

SEC. 2. *And be it enacted*, That on every day appointed for the nomination or for the election or for taking the poll for the election of a member or members to serve in the Commons House of Parliament no soldier within two miles of any city, borough, town, or place where such nomination or election shall be declared or poll taken shall be allowed to go out of the barrack or quarters in which he is stationed, unless for the purpose of mounting or relieving guard, or for giving his vote at such election; and that every soldier allowed to go out for any such purpose within the limits aforesaid shall return to his barrack or quarters with all convenient speed as soon as his guard shall have been relieved or vote tendered.

SEC. 3. *And be it enacted*, That when and so often as any election of any member or members to serve in the Commons House of Parliament shall be appointed to be made, the clerk of the Crown in chancery or other officer making out any new writ for such elections shall, with all convenient speed, after making out the same writ, give notice thereof to the secretary at war, or, in case there shall be no secretary at war, to the person officiating in his stead, who shall, at some convenient time before the day appointed for such election, give notice thereof in writing to the general officer commanding in each district of Great Britain, who shall thereupon give the necessary orders for enforcing the execution of this act in all places under his command.

Mr. HEWITT, of New York. It will there be seen that whenever an election for members of Parliament takes place the soldier must disappear from the scene. The people are sovereign on that day; and if a riot should break out upon that day the military force could not be used for its suppression. During the hours of election the soldier must be within his barracks. That there may be no mistake about this the clerk of the Crown is charged with the duty of making known through the war office that an election is to take place, in order that the symbol of force may retire and the majesty of the people may reign supreme, at least for one day, when the right of suffrage is exercised in the island of Great Britain.

Let me here recall the noble preamble of the mutiny act under which the standing army is maintained in Great Britain:

Whereas the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law;

* * * * * * *

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by judgment of his peers, and according to the known and established laws of this realm.

Oh, what a proclamation of the rights of the subject is that! No king, no potentate, no power but the law of the land can coerce the subject in time of peace.

In the forty-first section of that bill is another provision, which until it came under my eye the other day had escaped notice:

No person who shall be commissioned and in full pay as an officer shall be capable of being nominated or elected to be sheriff of any county, borough, or other place, or to be mayor, portreeve, alderman, or to hold any office in any municipal corporation in any city, borough, or place in Great Britain or Ireland.

FREE ELECTIONS.

So jealous are they of the military power that they will not allow a military officer to hold a civil commission. They are not in England willing to have the power of the army confounded even for a day with the machinery by which civil process in enforced. Yet

we, in this country, have solemnly enacted that, on an election day, "if it is necessary to keep the peace," the Army of the United States may be marched to the polls. Such a provision is at war with every principle for which our ancestors contended, and which is embodied in the frame-work of our Government. Every hour that we allow it to remain on the statute-book is treason to the great men who achieved liberty for us, who founded this Government of ours after fighting for the right of representation, who imbedded this right into the Constitution, who jealously guarded it from the foundation of the Government until 1860, and whose spirits, if they could speak to us in this Hall, would entreat us to remember the sacrifices by which this liberty was secured, and not allow it to be imperiled by the insidious use of the military power. But all this has been better said by Mr. David Dudley Field, in an article of his, published in the Albany Law Journal, in September, 1877, upon this very subject. It was written after a very full conference in which I enjoyed the benefit of his instructions and advice. He sums up the whole matter in language which I will ask the Clerk to read.

The Clerk read as follows:

The great maxims of free governments are the fruit, not of one generation or of one century, but of many generations and many centuries; they have been fought for and suffered for; they have been established and consecrated by blood and fire. If we would preserve them and profit by them, we must remember them, teach them, and stand by them. It is an accepted article of the political creed of every free country that the military is and must be subject to the civil power. Whoever teaches that any military officer, from the highest to the lowest, from the commander-in-chief to the sergeant of a guard, can lawfully command his soldiers to enter any place or do any act which the law-making power of his country forbids, should be accounted, as he is in fact, the enemy at once of his country and his race.

Mr. HEWITT, of New York. Now, I count upon the cordial support of both sides of this House in the attempt to amend the statute which I have just read, by striking out the words "or to keep the peace at the polls." At the proper time I shall offer an amendment for that purpose. This provision is not now in the bill as reported to the House, because I think it better that there should be a direct vote of the House taken as to whether it shall come in or not.

Mr. HALE. The gentleman proposes to move that as an amendment to the Army appropriation bill?

Mr. HEWITT, of New York. Yes, of course, subject to a point of order, which I trust no gentleman will make. I count, indeed, upon the unanimous support of both sides of the House of such an amendment. I know that on this side of the House we do not monopolize either the statesmanship or the patriotism of this country. I accord to gentlemen on the other side the fullest credit for a desire to preserve whatever we have gained in the direction of freedom, and to add to it by every possible means.

When this statute was passed it may possibly have been supposed that it was a provision for the protection of the constitutional rights of the citizen. But after even the very imperfect discussion I have given it I think it must be apparent to this House that so far from its being a protection it is a step backward which we ought to retrace at the earliest possible moment.

ARMY ORGANIZATION.

Having devoted much time to the study of army organization, and having enjoyed the benefit of the advice and assistance of one of the most competent of living military critics in this or any other country, I deem it best to include in these remarks what I was prepared to make in case my friend from Ohio [Mr. BANNING] had succeeded in getting the bill reported by the commission before the House. I trust that it may have some value when this important matter shall come up for final disposition.

Army organization, in the modern sense of the term, is the work of Louvois, the great war minister of Louis XIV. His "Royal Regulations" for the government of troops in field or in camp, for the distribution of authority and responsibility, for frequent inspection of troops, stores, and magazines, are used to-day by civilized governments. At the time and after, noblemen and gentlemen of wealth and influence raised regiments and maintained a proprietary interest in them. As proprietors they received money from government for pay, rations, and clothing, but the money more frequently provided for their debaucheries than for the necessities of their men. Without fear or favor of persons Louvois stopped these malpractices, and his inspector-general, the celebrated Colonel Martinet, whose name has become a synonym of strict discipline, arrested some of the greatest nobles of France. In the memoirs of Saint-Simon can be found an amusing description of the wild indignation of these worthies when Colonel Martinet overhauled their accounts.

The beginning and close of the eighteenth century produced the two great strategists of modern times, Marlborough and Napoleon; but armament and tactics experienced but little change until the last five-and-twenty years. Nothing was learned from the experience gained by our colonists in their combats with savage foes. Braddock and subsequent British commanders regarded the practice of fighting under cover as evidence of a cowardly spirit and scorned the colonial riflemen. Even after the Tyrolese marksmen, abandoned by Austria, had driven the French and Bavarians from their country, Napoleon seems to have attached no importance to their mode of fighting. Prior to the Crimean war the destructive force of armaments and consequent value of the different arms of military service may be stated as follows:

The effective range of the smooth-bore musket—the "Brown Bess," of Marlborough and Wellington—was sixty yards; extreme range, a hundred yards. In action no attempt at aim was made, and, indeed, would have been useless. To fire in the direction of the enemy was all that could be expected. The effective range of artillery, using grape or canister, was but three or four times greater than that of the musket, and at extreme range, solid shot was destructive by chance, even when directed against large masses. Shell firing from field or siege pieces is of recent date, mortars being exclusively used for that purpose. The heavy losses suffered in such actions as Oudenarde, Malplaquet, Borodino, and others were not due to the efficiency of the weapons employed, but rather to their inefficiency. Fighting was almost hand to hand, and when one party gave way the victors were upon them to slaughter at will. Under such conditions cavalry was of great importance. In a rapid charge upon infantry, but one, or at the most two, volleys had to be sustained, and none but the steadiest infantry could withstand the shock of saber or lance, even when formed in squares. The great range, precision, and rapidity of fire of the repeating breech-loader have changed this, and a few score of infantry, under cover of hedge or wall, would laugh at a battalion of cavalry. On neither side during our civil war was cavalry effective, except when dismounted and fighting on foot. In the Sadowa campaign, the superb Austrian cavalry, considered the best in Europe, accomplished nothing against the needle-gun. At Gravelotte a large part of the cavalry of the Prussian guard was sacrificed to stay a threatened forward movement of the French until infantry could come up. Had mounted infantry been employed, the same mobility would have been preserved and the object accomplished at much less expenditure of men. At Sedan, a French regiment attempted to charge a line of German infantry, but men and horses were annihilated before half the intervening space was passed. A glamour surrounds the jingling spur and clanking saber, but on a battle-field the cavalryman is as useless as would be a mailed knight. Mounted infantry, with the mobility of one arm and the fighting capacity of the other, is alone in harmony with existing armaments.

Napoleon largely employed the moral force of artillery, massing guns to thunder against some part of the enemy's position before launching his columns of attack. Veterans take small heed of the "*vox et præterea nihil*" of artillery. It is only when the whir of the bullet mingles with the thud of shot and shell that they feel the sense of battle. During the sepoy mutiny bodies of mutineers would hold together so long as they retained guns which the fear of losing prevented them from bringing into action. The British columns in pursuit directed their efforts to the capture of these guns, whereupon the sepoys dispersed. Some of this superstition yet lingers from times when guns were scarce and costly and their possession highly prized. To lose guns was disgraceful, and the point of honor with an artilleryman was to save his pieces under all circumstances. This had the effect of making commanders of batteries nervous at critical moments. Sound doctrine would teach that guns must be fought to the last moment, and are creditably lost when they have delayed and punished the enemy. At Buena Vista, Bragg with his battery was ordered to close the gap through which a heavy force of Mexicans was advancing. "I see no supports, general, and without them may lose my guns." "You must rely on me and my staff for support," replied the general, "there is none other. If the enemy pass this point, not only your guns but everything will be lost." Bragg unlimbered and went into action, with the enemy right upon him. The result is history; and this is the prose of the legend: "A little more grape, Captain Bragg."

Commanders of armies or corps on both sides in our civil war will admit that they were frequently burdened with too much artillery, which cut up and obstructed roads, required multitudes of wagons to transport ammunition, demanded troops of other arms for protection, and involved much forethought to keep it out of danger. The existing breech-loader has a range of from fifteen hundred to two thousand yards, and at these distances, securely under cover, a few marksmen can destroy a battery.

Horse, commonly called flying, artillery is alone effective in the field. It possesses great mobility, even over the most broken ground, and can go into or out of action with such rapidity as to make it independent of supports; but men and horses require long and constant drill, which governments must secure in time of peace. Captain Ramsay, of the British army, was the pioneer of horse artillery. The rapid movements of his battery on the field and its distinguished service appear in Wellington's dispatches and in Napier's Peninsular War.

Short range and small destructive power of arms determined infantry formation and tactics. Lines were of three, even four ranks, and the momentum of heavy columns was relied on to carry positions. Notwithstanding the feebleness of small-arms, the superiority of line over column in giving fire-front was asserted where infantry possessed unusual steadiness—a characteristic of the British.

At Albuera the "Buffs"—a British regiment—advanced in line on a heavy column of French veterans. By close and steady volleys the British swept away the French and prevented them from deploying, though animated by the presence of Soult. It was a noble feat of arms, and afforded a theme for the pen of Napier to write the grandest military description in any language. Had the experience of Waterloo occurred earlier in his career, Napoleon would have modified his tactics of attacking in column. As our civil war progressed, pluck

and armament being alike, though numbers were unequal, the fighting-place was the skirmish line; or the party acting beyond it suffered immense losses of men. Witness Grant's campaign in the Wilderness and Hood's at Franklin.

In their late war with France the Germans substantially followed our example, while the Russians, neglecting it and attacking in mass at Plevna, were mowed like grass by the Turks, squatting securely behind earthworks.

The skirmish-line is now the fighting line, and the company the fighting unit, which establishes the line, feeds it as occasion demands, and depends for support on the battalion.

With the battalion—the command of a major—as the unit of administration, the company and battery as fighting units, there is great waste in preserving antiquated regimental organizations with colonels and lieutenant-colonels, and in the line of the Army these latter grades can be dispensed with. Small companies are expensive and inefficient. Subtract sick, details for fatigue, and guard duties, and nothing remains for active service or company drills. Officers and men necessarily become apathetic. Pay of non-commissioned officers should be increased, and other means adopted to elevate their tone; and from them should be taken a fair proportion of commissioned officers. Germany has derived great advantage from this system, and other powers are following her example.

The foregoing statements and conclusions hardly admit of dispute, and may readily be applied to the organization of five-and-twenty thousand men, the present strength of our military establishment.

One major-general and six brigadier-generals would be adequate. The officer in command of the Army should have superiority of grade; for this, rather than seniority in the same grade, insures prompt obedience.

Stationed permanently at the seat of government and in contact with the civil power the staff of all armies tends to exalt itself at the expense of the line. It also subserves the vanity of executive power to surround itself with a numerous and gorgeous staff. In our service the staff has become like a swollen pasty, in whose depths the line is hardly visible; and it requires pruning both in rank and numbers. True, the staff is the brain of an army, but over-development of brain produces hydrocephalus, followed by atrophy of body and limbs. The grade of general—the yellow sash—should be the reward of military success and merit, and heads of staff departments limited to that of colonels; but as their duties force them to reside at the seat of government they should have higher pay than line officers of like grades who occupy public quarters and are enabled to live less expensively. An organization of staff departments fully adequate to the needs of our service would be as follows:

An adjutant and inspector-general's department, with one colonel and the necessary number of lieutenant-colonels, majors, captains, and lieutenants. The "Bureau of Military Justice" should be discontinued, and its duties discharged by the adjutant and inspector department, to which they belong.

A medical department, with one chief surgeon of the rank of colonel, surgeons of the rank of major, and assistant surgeons of the rank of captain and lieutenant.

A department of ordnance and artillery, with a chief of the rank of colonel, and such majors, captains, and lieutenants as are necessary, detailed from the corps of artillery for limited periods.

As the ordnance officers are the manufacturers for the Army at least one armory for the construction of small-arms should be maintained and operated by the Government, not merely as a school of instruction for artificers and inspectors and for the improvement of construction, but as a check upon private manufacturers in time of war or whenever a sudden demand for fire-arms might arise. So, also, arsenals for the construction of munitions of war are necessary and should be permanently maintained upon a limited scale.

In regard to uniting the Quartermaster's with the Commissary department there appears to be a wide difference of opinion. Mr. Calhoun favored the separation, while the modern French and German system unites them into one department of supply. Whether they be united or kept separate the organization should consist of a colonel, lieutenant-colonels, and majors adequate for the permanent direction of the business, while the lower grades of captain and lieutenant should be filled by details from the line, but the officers so detailed should be returned to line duty after service on the staff for four years, and all promotions to the grade of major in these departments should be made from line officers who had thus served.

The Pay department should in like manner be reorganized with a colonel at the head, with a lieutenant-colonel and a suitable number of majors, not exceeding forty, with a provision for details similar to that suggested for the department of supply.

One fails to understand the propriety of attaching the Signal bureau to the Army. Its duties specially concern commerce and agriculture and belong to the civil department of the Government. Officers of the staff could readily learn whatever is applicable to war in short assignments to signal duty; but it is well for the people to know the cost of their military establishment pure and simple.

The Corps of Engineers is of such importance to the civil as well as to the military interests of the country as to entitle it to great consideration. The knowledge and training required are of a special character, and cannot be improvised to meet emergencies. A chief engineer with rank of colonel, a liberal number of lieutenant-colonels, majors, captains, and lieutenants, and a small battalion of engineer troops should be maintained; but graduates from West Point, assigned to the engineers, should serve for a year with each of the three arms, cavalry, artillery, and infantry, before permanently joining the corps. This would make them better soldiers and none the worse engineers.

The corps of artillery should be organized with reference to the light or horse battery, which requires one captain, two first and one second lieutenants, and a hundred and twenty-five enlisted men. Two horse batteries should constitute a battalion under a major. In view of the importance of this arm and the instruction necessary to render it efficient, eight batteries or four battalions should be kept up. The remaining companies—say sixteen—of the corps should garrison seacoast fortifications and arsenals, repair arms, prepare fixed ammunition, and receive instruction in torpedo service. By transfers the duties appropriate to the corps can be learned by all, and the assistants needed by the chief of ordnance and artillery at headquarters should be detailed for limited periods from the officers of the corps.

Companies of cavalry and infantry should consist of a captain, one first and one second lieutenant and one hundred enlisted men; and four companies, under a major, should constitute a battalion.

The term cavalry is used for convenience, but the remarks concerning mounted infantry are to be remembered, and equipment and instruction conform thereto.

Subordinating the number of battalions and the relative strength of the different arms to the whole military force, as established by law, minor details can be readily worked out, but these facts must be borne in mind: the President is the constitutional Commander-in-Chief of the Army, which he governs through the Secretary of War, who is a civil officer with civil duties. He is no more a part of the Army than the engineer is part of the machine which he controls by letting on or shutting off steam.

Army regulations should be elastic, and are of necessity matters of administration, to be changed in conformity with circumstances. To convert regulations into statutes, which would require the submission of every trivial modification to Congress, would be absurd. As well put the Army into an iron cage.

To acquaint officers and men with field evolutions and the value and proper use of the different arms, camps of instruction are necessary; and one, comprising a battalion each of cavalry, horse-artillery, and infantry, with a detachment of engineers, should be established under the command of a general officer. The entire Army should in turn be thus instructed. Further, and of more importance than any other employment of the Army in time of peace, it should be made the duty of the Secretary of War to confer with the executives of the several States with the view to unite this camp of instruction with bodies of State troops for autumnal maneuvers.

These camps of instruction should be held successively in the several States, and the Federal Government should give every possible encouragement to the establishment of rifle ranges and the general diffusion of military knowledge. The supply of arms, uniforms, and even the giving of prizes, would, it seems to me, not be beyond the power confided by the Constitution to the Federal Government to secure the establishment of a national militia. If, in addition to all this, military drill were introduced, as it should be, into every common school in the land, the country will be spared the humiliating spectacle of governors of great Commonweaths calling as on ague-smitten Cæsar for help to suppress riots.

As Thiers said of a constitutional monarch, the Federal Government should reign, not govern. From his own State the weight of authority should be felt by the citizen. He can grumble, vote against the administration, or, at worst, move to another; but oppressed by Federal power, he is as helpless as would have been a Roman subject against the master of the world.

From abuse of local government comes anarchy as from that of centralization, despotism; and in proportion to their fear of one or hatred of the other, so men divide. These are the systole and diastole of our politics.

In a discussion with John Horne Tooke, Lord Grey observed that he preferred despotism to anarchy. "This is of a piece with the conduct of your ancestors at the Reformation," said Tooke, "for they rejected purgatory and kept hell." Whatever the religious convictions of our race, the majority differ in opinion with Lord Grey.

While the number and organization of our military establishment may be subjects for discussion, there should be but one opinion of the necessity of subordinating, at all times, the military to the civil authorities.

With uncovered head the general should stand respectfully in the presence of the humblest magistrate; for the magistrate represents the supremacy of law and sits on a pyramid built of all the aspirations, struggles, and achievements of the race since Magna Charta. As in the days of Tiglath Pileser, the soldier is but the representative of brute force; and many modern instances prove that he can display Assyrian ferocity.

Now, Mr. Chairman, unless some gentleman desires to occupy further time I shall move that the committee rise to close general debate, that we may then proceed to the consideration of the bill under the five-minute rule.

Mr. GARFIELD. I have no doubt that by unanimous consent general debate may be closed, and that we may go on under the five-minute rule.

Mr. HEWITT, of New York. I understand that the gentleman

from Pennsylvania, [Mr. WHITE,] who expected to speak on the Army reorganization bill if it should come up, desires ten minutes.

Mr. WHITE, of Pennsylvania. About that time.

Mr. BANNING. I desire to occupy some little time.

Mr. HEWITT, of New York. Then I shall not move at present to close general debate.

The CHAIRMAN. How much time does the gentleman from Ohio [Mr. BANNING] desire?

Mr. BANNING. I think about twenty minutes.

The CHAIRMAN. The gentleman from Ohio will proceed.

Mr. BANNING. Mr. Chairman, I propose, when we shall have reached that part of the Army appropriation bill which provides for reduction and reorganization of the Army, to move as an amendment to the bill the substitute reported by me to the House from the joint commission on the reorganization of the Army.

I desired to have this substitute considered in the House before the Army appropriation bill was taken up. Having failed in that, I will endeavor to secure this legislation on the Army appropriation bill, although I should have preferred to have had it separately discussed.

In the last four years this House has passed two bills reducing and reorganizing the Army not less radical than the proposed measure. Both have failed in the Senate, and all the Army reorganizations and reforms accomplished have been upon appropriation bills.

In June last, an act was passed authorizing the appointment of a commission to reform and reorganize the Army. All of the men appointed upon that commission had been soldiers either in the Union or confederate army in the war of the rebellion. All but one had been volunteer officers. The chairman of the commission, the distinguished Senator from Rhode Island, a graduate of West Point, served for many years in the regular Army, and, at one time, as is well known to all, commanded the army of the Potomac in the war of the rebellion.

The necessity for Army reorganization is so apparent and has been so often discussed and shown on this floor, that I will not stop to repeat it now; a regimental organization of a colonel, lieutenant-colonel, and major, with full commissioned and non-commissioned staff, in charge of the headquarters and in command of the regimental band; old captains and lieutenants reporting for duty in command of one non-commissioned officer and no private soldiers; companies that do not contain a corporal's guard—so farcical, ridiculous, and expensive withal as to cause commanding officers to recommend consolidation or an increase of the enlisted men of the Army; while our large and expensive staff, that feeds, clothes, and transports our little Army, has grown to such huge proportions, that it takes more money to pay them and the commissioned officers of the line than it takes to pay the entire army of enlisted men, non-commissioned officers, and private soldiers!

Reviewing this subject in 1869, the gentleman from Ohio, [Mr. GARFIELD,] in a report to this House, said:

> The staff departments or corps are, in the opinion of the committee, too numerous and too large in proportion to the line of the Army.
>
> There has been for a long time a tendency toward the multiplication of departments, increase of rank, and independence of control in the staff that ought to be checked.

At the time this report was made the line of the Army numbered thirty-four thousand enlisted men, since which it has been reduced to less than twenty-five thousand, while the staff, in place of being reduced accordingly, has been increased.

We have in our Army commissioned officers enough to command one hundred thousand men, staff enough to supply them, and regiments enough to contain them, if organized in accordance with modern military principles.

An old officer in his testimony before the committee says:

> It is rather stupid work for an officer to go out and drill four men. After having been a captain for ten years, I have frequently gone out with four men.

General Sheridan says:

> If you increase the size of the companies you diminish the expense. One great item of expense at present arises from the fact that the companies are so small as to be non-effective. In order to get an effective body of men for any purpose it is necessary to take three or four companies from different places. That kind of management, of course, is expensive, and that is what we are obliged to resort to at present.

The Adjutant-General in his report for 1877 said:

> From a very early day the military history of this country contains records of disasters due solely to the "skeleton" organization of companies. Dade's massacre may be cited for the sake of a commencement as to dates, and Gibbon's late affair with the Nez Percés as the most recent. Gibbon had 6 companies in all, numbering 15 officers and 146 men. His companies averaged about 24 men each. With this handful of men he inflicted severe loss on an enemy treble his numbers. If his companies had averaged 80 men, he would have outnumbered Joseph's band, and would probably have captured or exterminated it.

And again, in the same report:

> There are already regimental and company organizations quite enough for an army of 50,000 enlisted men.

For the information of those who desire to understand the condition of our skeleton Army, I give the following, taken from the statement of the muster-rolls furnished the committee last session by the Adjutant-General:

> The strongest regiment of the cavalry was the Tenth, which had 44 commissioned officers and 925 enlisted men, of whom there were present for duty 17 officers and 598 men.
>
> The weakest regiment of cavalry was the Ninth, which had 43 commissioned officers and 453 enlisted men, of whom there were present for duty 16 officers and 275 men.
>
> The strongest regiment of artillery was the Third, with 57 commissioned officers and 482 enlisted men, of whom there were present for duty 29 officers and 355 men.
>
> The weakest regiment of artillery was the Fifth, with 57 commissioned officers and 433 enlisted men, of whom there were present for duty 24 officers and 306 men.
>
> The strongest regiment of infantry was the Tenth, which had 35 commissioned officers and 463 enlisted men, of whom there were present for duty 18 officers and 251 men.
>
> The weakest regiment of infantry was the Twenty-first, which had 36 commissioned officers and 309 enlisted men, of whom there were present for duty 17 officers and 201 men.
>
> A close examination of these muster-rolls discovers some curious facts. I will give a few of them: the largest company in the strongest infantry regiment only numbered 49 enlisted men—non-commissioned officers and privates—present and absent.
>
> While in this, the strongest infantry regiment, Company E was able to muster 38 enlisted men for duty, Company K of the same regiment could only muster 19 men for duty, Company H only 23 men, Company I only 22, and Company G only 15. Of the 269 officers and enlisted men present for duty in this regiment only 175 were privates. In Company G of this regiment there were 1 captain and 6 non-commissioned officers to command the 9 privates present for duty.
>
> In the Twenty-first Infantry we find present for duty as follows: Company A, 8 commissioned and non-commissioned officers, commanding 10 privates and 2 musicians.
>
> Company E, 10 commissioned and non-commissioned officers, commanding 11 privates and 2 musicians.
>
> Company F, 8 commissioned and non-commissioned officers, commanding 12 privates and 1 musician.
>
> In Company K the 8 privates and 1 musician were drilled, disciplined, and commanded by 10 commissioned and non-commissioned officers.
>
> These are specimens of the bad effects of dividing up our little Army into 40 regiments and 420 companies. Nor are they by any means the worst. For instance, at the same muster, in the "present for duty" in the Seventh Regiment of Infantry, we find the following:
>
> Company A, 5 commissioned and non-commissioned officers to command 4 privates and 1 musician.
>
> In Company K, 8 commissioned and non-commissioned officers to command 4 privates and 1 bugler—2 officers for each private.
>
> In Company E there were present for duty 1 captain, 2 sergeants, 2 musicians—5 in all—but not a single private.
>
> Company G was less fortunate in the matter of officers, for while it had 1 sergeant, 2 corporals, 1 bugler, 1 musician, and 6 privates, a total of 11 present for duty, it was without any commissioned officers whatever.

Our military organization is not only (as shown by our best military critics) a weak and ridiculous one, but according to its size the most expensive one upon the face of the earth. It is with a view to correct these evils and make our Army, what General Hancock says it should be, "a small, complete, compact, vigorous, healthy body," that the commission framed and presented the bill now offered as an amendment to the Army appropriation bill.

It is manifest that it would be impossible at this stage of the session for the House to give the time required for the proper consideration of the bill originally reported by the commission. We have therefore submitted the substitute now under consideration, which is that portion of the original bill which relates to organization solely, but divested of certain features which excited hostile criticism. This has been done in the hope and expectation of meeting the great and immediate necessity for reorganization to which I have more than once directed the attention of the House.

As I have said, the substitute deals only with reorganization, and I do not hesitate to assure the House that its adoption by Congress will result in greater efficiency in the service and an ultimate reduction of expenditures.

Let me briefly review the provisions of the bill.

By section 2 the various component parts of the Army are clearly and distinctly classified—a provision, the necessity for which will be at once admitted by every one familiar with the subject.

Section 3 fixes the number of major-generals at two and brigadier-generals at four. A reduction of one major-general and two brigadier-generals, to be made by casualties. The provision respecting the grades of general and lieutenant-general is the same as in existing law.

Section 4 reduces the number of aids to the General from six to three.

Section 5 reduces the number of aids to the Lieutenant-General from three to two.

Section 6 reduces the number of aids to major-generals and brigadier-generals from three to two and from two to one, respectively.

Section 8 defines the general staff and fixes the number of officers in that branch, and, in connection with the eighth clause of the fortieth section of the bill, consolidates the present Adjutant-General's and Inspector-General's departments, resulting in an aggregate reduction of three colonels and three majors.

This consolidation is one of the most important and most needed measures of Army reform, and was urged upon the House ten years ago by the Committee on Military Affairs of the Fortieth Congress.

The provision in this section for the detail of officers of the line to the performance of duties in the general staff is the same as is contained in subsequent sections relating to several of the staff departments. The permanent grades below major in the general staff, the Quartermaster's, Subsistence, and Ordnance departments are abolished, and those grades are to be filled by the detail, for a period of three years, of captains and first lieutenants who shall have served not less than six years in their respective corps. Vacancies in the grade of major in these departments and in the Pay department (to which the same principle is applied) are to be filled by the promotion of officers who have been so detailed and shown the greatest proficiency. This constitutes what is known as the interchangeability of the staff, and is designed to diffuse a practical knowledge of staff duties throughout the line of the Army, and to provide a staff com-

posed of officers familiar with the requirements and necessities of the line and in sympathy with the body of the Army.

This is one of the most important reforms proposed by the bill, and if carried into effect will, in my judgment, prove of the greatest benefit to the staff itself as well as to the line of the Army.

The defects in the present system are obvious. In many instances a young and inexperienced officer, having the necessary political influence, is placed in the staff. He never returns to the line, and, spending his life in one department of the staff, he becomes in time what General Hancock has described "a mere clerk of a high order."

This reform is, of course, warmly opposed by the fortunate gentlemen now filling what the General of the Army calls "the soft places." These gentlemen have many friends upon this floor; they are courteous, attentive, and generous hosts, as many of you can testify; no doubt they have warned you of the dire consequences that will follow the adoption of this measure. Against their representations, (whatever they may have been,) passing over the many indorsements of this change by distinguished officers, I place a single statement of one of their own number:

> As the staff of our Army is that portion by which the annual appropriations for the support of the Army are expended, a description of its duties, with some discussion of the manner in which these duties should be performed, would seem to be a matter not only of grave political importance, at this time especially, but of much personal interest to any one who pays taxes or who, as a voter, has a voice in the selection of the different members of the Government. Each voter or taxpayer in the country has an interest in requiring the efficiency of the staff to be raised to the highest degree, for by such efficiency only can the duties of the Army be performed in the most economical manner.
>
> * * * * * * *
>
> It is believed there are to-day officers in the staff departments, and, perhaps, even in the general staff, who are so ignorant of our own country and of military service on the frontier; who know so little of Indians and of their mode of warfare that if ordered to proceed from one frontier post to another, through a hostile Indian country, they would be unable to conduct their marches or manage their escorts so as to insure their own safety.

Sueh, sir, was the language used by Lieutenant-Colonel Robert Williams, a graduate of the Military Academy, an officer of twenty-seven years' service, and for the last eighteen years an assistant adjutant-general.

No one will deny that Colonel Williams is good authority upon this question, nor that his statement is conclusive evidence of the necessity for a change.

I might give many authorities in support of this provision of the bill. President Pierce recommended a similar measure in his message in 1855. Mr. Davis made a similar recommendation while Secretary of War. It was recommended by the Committee on Military Affairs of the Forty-third Congress, and is recommended by all of the field and line officers of our Army, so far as I have been able to procure their opinions.

Sections 13, 14, and 15 provide for the reorganization of the artillery so as to assimilate it to the organization provided by subsequent sections for the cavalry and infantry.

Sections 16 and 17 reduce the cavalry regiments from ten to eight, and fix the regimental and company organizations. This consolidation will dispense with two colonels, two lieutenant-colonels, and six majors, as well as the staff and company officers of two regiments The changes from the existing organization are to give an additional first lieutenant to each troop and to fix the maximum number of privates in a troop at seventy, so that the aggregate cavalry force in the new organization will amount to 8,432 officers and men.

Sections 18 and 19 provide for the reduction of the infantry regiments from twenty-five to eighteen, with the same battalion organization as in the cavalry.

The only change in the company organization is to fix the minimum of privates at seventy-five.

There are at present in the infantry:

Officers.	Present.	Bill.	Reductions.
Colonels	25	18	7
Lieutenant-colonels	25	18	7
Majors	25	54	.....
Captains	250	216	34
First lieutenants	300	216	84
Second lieutenants	250	216	34
Total net reductions	875	738	137

The infantry under this organization will consist of 13,500 officers and men.

All regiments are to have four battalions of four companies each, in time of war. The fourth battalion will be neither officered nor manned in time of peace nor until authorized by Congress.

Only eight companies or two battalions of each artillery and infantry regiment shall be manned, until ordered by Congress.

The cavalry is to be consolidated into two battalions to a regiment, as soon as the interest of the service will permit.

Appointments to the grade of second lieutenant are also restricted by this section to graduates of the Military Academy and meritorious soldiers.

The next changes are in section 26 and relate to the Quartermaster's Department. There are now in that department officers as follows:

Officers.	Present.	Bill.	Reductions.
Brigadier-general	1	1	.....
Colonels	5	2	3
Lieutenant-colonels	8	5	3
Majors	14	8	6
Captains	30	.....	30
Total	58	16	42

The detail of thirty captains and first lieutenants of the line to act as assistant quartermasters is also authorized by this section.

Section 27 relates to the Subsistence department and provides for reductions as follows:

Officers.	Present.	Bill.	Reductions.
Brigadier-general	1	1	.....
Colonels	2	1	1
Lieutenant-colonels	3	2	1
Majors	8	5	3
Captains	12	.....	12
Total	26	9	17

Like the preceding one, this section provides for the detail of captains and lieutenants of the line, not to exceed twelve in all.

Section 29 provides for the reduction and reorganization of the Ordnance department as follows:

Officers.	Present.	Bill.	Reductions.
Brigadier-general	1	1	.....
Colonels	3	2	1
Lieutenant-colonels	4	4	.....
Majors	10	8	2
Captains	20	.....	20
First lieutenants	16	.....	16
Second lieutenants	10	.....	10
Total	64	15	49

A detail of not exceeding thirty captains and first lieutenants of artillery to duty in the Ordnance department is also authorized by this section.

Section 31 reorganizes the Medical department and makes changes and reductions as follows:

Officers.	Present.	Bill.	Reductions.
Brigadier-general	1	1	.....
Colonels	6	6	.....
Lieutenant-colonels	10	10	.....
Majors	50	48	2
Captains and lieutenants	125	120	5
Total	192	185	7

Assistant surgeons are required by this section to serve for eight years before attaining to the rank of captain instead of five years as at present.

Section 33 prohibits the employment of contract surgeons except for and during an emergency and upon the recommendation of the commanding officer.

Section 34 proposes important changes in the Pay department. At present this department is organized as follows:

Officers.	Present.	The bill proposes.	Reductions.
Brigadier-general	1	1	.....
Colonels	2	1	1
Lieutenant-colonels	2	1	1
Majors	50	25	25
Total	55	28	27

A detail of ten captains and first lieutenants of the line to act as assistant paymasters when necessary is authorized by this section.

Section 37 relates to the Signal Bureau of the Army, but proposes no changes in existing law.

Section 38 reorganizes the Bureau of Military Justice as follows:

Officers.	Present.	Bill.	Reductions.
Brigadier-general	1	.....	1
Colonel	.....	1	.....
Majors	4	2	2
Total	5	3	2

The bill also authorizes the detail of three captains or lieutenants to act as assistant judge-advocates. There are now in the service four judge-advocates in excess of the number shown above, making eight in all. Under existing law their places are not to be filled as they become vacant.

RETIREMENT.

The bill provides for retirement and makes it compulsory at a certain age. The commission was impressed with the fact that the *personnel* of the Army is getting old, and in making reductions it seemed eminently proper that those who could not much longer serve the country should, with comfortable provision for the remainder of their days, make place for men who, though much younger, had been so long in the service as to unfit them for beginning at the bottom of the ladder in civil life.

The provisions for retirement differ from existing laws principally in the features of compulsory retirement for age and in graduating the pay of those upon the retired list, according as the case may be, to their length of service or the cause and degree of their disability. To these measures of reform there will of course be much opposition, but in my judgment it will come mainly from personal considerations. England and France have found it necessary to adopt a measure similar to the one proposed in this bill; that of England being far more radical than the one in the bill now under consideration.

It is not claimed that every officer of the Army becomes unfit for service at sixty-two years of age, but I do maintain that the great majority of American officers (for we live faster in this country than they do abroad) are at that age unfitted for active service, and that the retention of any officer of that age on the active list and in the line of and as a block to promotion works a positive injury to the service by retaining other officers in the lower grades until they have become too weary and aged for the proper performance of the duties of their subordinate positions. Not one of these aged officers, however distinguished, is indispensable to the country, and the interest of the younger officers are in this instance the interest of the country. There is, certainly, a time when officers become disqualified by age for the performance of their duties; many become unfit at sixty-two, and those who do not become unfit at that time become so very soon after. Taking the experience of other armies, our own experience in the Navy and observation in our own Army sixty-two is, in my opinion, and in the opinion of the commission, the best that could be adopted. Under the law as it now stands the President has the power to retire officers at sixty-two; so that if not retired before attaining that age on account of wounds or disability the officer hopes the President will retain him after that time.

Living in this hope—

writes an Army officer upon this subject,—

he neglects to make permanent arrangement for his old age, which he would make if retirement were compulsory. His postponed retirement, when at last it comes, finds him the more unprepared, and therefore seems to him the more cruel and unjust.

The same writer further says in favor of a law making retirement compulsory at sixty-two:

But the mischief of the matter in this connection is, that the present system itself tends to unfit the man over sixty-two for the performance of his duties. It is the strength and beauty of the service that its officers can act without fear or favor, according to their consciences, the best of their understanding, and the custom of war in like cases. This they can do, because they hold their places, not at the discretion of the President, but by the will of the people and until deprived of them by due course of law. The only exceptions to the independence secured through this most valuable principle are those of officers over sixty-two years of age. Their positions on the active list are dependent solely upon the President, who may displace them with or without cause or explanation. It is not human nature for an officer to be uninfluenced by this condition of his case. His official action, though he may not even know it, will very likely cease to be solely for the good of the service, and will be more or less governed by a desire simply to please the power which has such effective means of influencing him. The very circumstances, therefore, under which an officer by the present system remains on the active list after he is sixty-two tend to disqualify him for the performance of his duties according to the purest and highest Army standard.

In conclusion I give the reasons of another Army officer, which to my mind are unanswerable:

Such a law would relieve the Executive from many embarrassments and importunities; each officer on attaining the age of sixty-two years would retire, and no personal or political influence would grant him the favor of remaining while others went out.

Every officer would know the date when he must retire, and make his personal arrangements accordingly; but now the hope of securing a delay by influence prevents him from taking the necessary steps for the future.

It would not work a hardship to any one now on the active list. No one on the list now sixty-two years old remains in active service except by the personal favor of the President, to the evident injury and hardship of those below him, and injustice to those who have not been treated heretofore so leniently, thus giving color to the charge of partiality.

It is not right, just, or proper that the President should be called upon and influenced to keep an officer on the active list after he arrives at the age of sixty-two years, when one devoid of personal influence has to go.

It would save members of Congress much present annoyance in being called upon to intercede for some one desirous of retaining his position.

All the officers now eligible are of the general staff of the Army except one, which shows that practically the present law works a distinction in favor of the staff and against the line; that is, the law is practically obligatory as it affects the line, and discretionary as it affects the staff.

To retire an officer under the present law at the age of sixty-two years would seem to show prejudice against him individually, because there are and have been so many examples of others not more efficient being kept in the service after attaining that age, through personal or other influence.

But, Mr. Chairman, I will not take up the time of the House longer to explain the proposed amendments. Before I take my seat, however, I desire to call the attention of the House to the opinions expressed by Army officers of distinction concerning the proposed legislation. I send to the Clerk's desk to be read an extract from a letter of Captain Clapp, of the Sixteenth Infantry.

The Clerk read as follows:

Allow me to say that among officers of the line I hear no objections made to the bill reorganizing the Army, recently reported by you, but on the contrary it is spoken of with high favor, and there is an earnest wish that it may become a law. This is, I think, the opinion of a very large majority of the line officers of the Army, who see in it a chance for more varied service and a long stride in the direction of breaking down what is called the exclusiveness of the staff.

Mr. BANNING. I now ask to have read a letter of Colonel Dodge, of the Twenty-third Infantry.

The Clerk read as follows:

FORT HAYS, KANSAS, *December* 24, 1878.

GENERAL: I have just read the bill for the reorganization of the Army prepared by the joint commission.

By reason of long service and wide experience on the position, I may without vanity claim to be a fair exponent of the views and opinions of the line officers similarly situated. I therefore take the liberty of expressing them.

Aside from some few cases of injustice, even of real hardship, (inseparable from so radical a change, and the necessity for a rasher, mean economy, as for instance, the post chaplains,) I believe it would be impossible to frame a bill combining more admirable and valuable points. Taken as a whole, the organization proposed by this bill seems to me as nearly perfection as possible, and if Congress will pass the bill and allow it to work a few years without tinkering, I believe the result will be such as the committee, the Army, and the country may well be proud of.

To this end, however, it is most important that the bill pass in its entirety. If it is to be taken up and discussed section by section, modified here and there to suit the wishes of this or that staff officer, or changed to enable some influential head of a department to hold on to his position long after his days of usefulness have passed; if, in short, the most valuable features affecting the staff and retirements are to be thrown out under the pressure that will certainly be brought against them, the bill will result only in injustice and injury to individuals and incalculable mischief to the *morale* of the Army.

About two months ago I had the pleasure of discussing some of the questions involved with Senator PLUMB, without, of course, knowing what would likely be proposed by the bill.

Very respectfully, your obedient servant,

RICH'D I. DODGE,
Lieutenant-Colonel Twenty-third Infantry.

General A. E. BURNSIDE,
United States Senate.

Mr. BANNING. I now ask to have read an extract from a letter from Major Bates, paymaster, United States Army, stationed at San Antonio, Texas.

The Clerk read as follows:

The other three departments (meaning the Commissary, Quartermaster's, and Pay Departments) stand on the same basis. The personnel of all three is poor, *very poor*. Nearly all the officers who would be affected by the proposed change have obtained their positions through a *vicious system* of personal and political favoritism, which is at the bottom of all the opposition from these departments.

I know what I say, when I assert that there are not more than five or six men who now hold the positions of captains and quartermasters, captains and commissaries, and majors and paymasters, who would be selected by the commanding generals of our departments for any important duties *whatever*, to say nothing of placing them in positions where the comfort of the service and efficiency of the Army depend to a great extent on their personal ability.

* * * * * * *

I say that some legislation is necessary, and in all probability will be had soon on the Army, and that *this bill comes* nearer what we want than anything we are likely to get, or that we had or ought to hope for, and I see here a chance for our true friends in Congress to do us a good turn, and at the same time confer a great benefit on the country at large.

* * * * * * *

I have talked with all the officers here, including General E. O. C. Ord, commanding, and can say the bill meets with the unanimous approval of all, both line and staff. General Ord authorized me to say that he saw no feature in the bill that would not work for the good of the service.

Mr. BANNING. I also ask to have read a letter of Colonel Andrews, of the Twenty-fifth Infantry.

The Clerk read as follows:

FORT DAVIS, TEXAS, *December* 30, 1878.

SIR: Permit me to express the hope that the bill recently presented by the select committee on Army reorganization may receive the favorable action of Congress. While the bill contains several objectionable provisions, which experience will demonstrate and future legislation probably eliminate, as a whole it is so decidedly a move in the right direction that all who have the true interest of the Army at heart and desire its greatest efficiency and economy must forego all selfish objections and earnestly desire the bill may become a law.

With compliments of the season, I am, very respectfully, your obedient servant,

GEORGE L. ANDREWS,
Colonel Twenty-fifth Infantry.

To Hon. H. B. BANNING, M. C.,
Washington, D. C.

Mr. BANNING. I now send to the Clerk's desk to have read a letter of Colonel Stanley, Twenty-second Infantry, a major-general in our

volunteer army, and one of the ablest and most accomplished officers in our service.

The Clerk read as follows:

BUFFALO, NEW YORK, *December* 15, 1878.

DEAR GENERAL: I have only seen a synopsis of the bill of the military commission, but have seen enough to induce me to congratulate you on your work. If this fails to become a law, Army reform may as well be given up. One thing I think is certain. *Our staff system must be reformed or it will pull the Army into the gutter.* Of course the abolishing of bands is distasteful and, I think, a mistake; but we can stand a little bitter with the sweet. I sincerely hope you may pass the bill. I believe nine-tenths of the line would indorse me.

Yours, truly,

D. S. STANLEY.

Mr. BANNING. I now ask to have read a letter of Colonel Shafter, Twenty-fourth Infantry, an officer of experience and capacity, who served with great distinction in our volunteer army during the late war.

The Clerk read as follows:

HEADQUARTERS DISTRICT OF THE NUECES,
Fort Clark, Texas, December 27, 1878.

DEAR GENERAL: I received the Army bill by last mail under your frank; am much obliged for your kindness. At this post (the largest in the United States, having infantry, cavalry, and artillery) there is not an opponent to the bill; on the contrary it gives the greatest satisfaction.

It is by far the most comprehensive and best system for the organization of the Army that has ever been presented to Congress.

I believe I can safely say for the whole line of the Army, and I know I can for our regiment of infantry, one of cavalry, and two companies of artillery, that it is the earnest wish of the officers that the bill be passed just as presented by the committee.

I am, dear general, very truly yours,

W. R. SHAFTER,
Lieutenant-Colonel Twenty-fourth Infantry.

Hon. H. B. BANNING, M. C.,
Willard's Hotel, Washington, D. C.

Mr. BANNING. I now ask to have read an extract from a letter of Colonel Upton, of the Fourth Artillery, one of our ablest military critics, who was recently sent abroad to study and report upon the military systems of European nations.

The Clerk read as follows:

As an officer of the line whose promotion may be retarded for two or three years, I desire to express my approval of all the main features of the new Army bill, which without any vital changes I trust may speedily become a law. The principles of expansion, interchangeability between the staff and the line in the lower grades and compulsory retirement, in connection with the new regulations will, if adhered to and adopted, mark the greatest improvement in military organization and policy ever accomplished by any one Congress.

Mr. BANNING. I now ask to have read the letter of Colonel Silas Casey, brevet major-general United States Army, a distinguished veteran of more than half a century of service, and who served during the late war as a major-general of volunteers in our Army.

The Clerk read as follows:

No. 155 SOUTH OXFORD STREET, BROOKLYN, *December* 25, 1878.

DEAR GENERAL: Having lately read the new Army bill, I cannot refrain from expressing to you my warm approbation of the following portion, which I consider eminently vital to the efficiency of the Army, and consequent for the good of the country:

First. Those sections which relate to a retired and reserved list.

Second. Those which require an examination for promotion until the grade of a field officer has been attained.

Third. Maintaining small staff permanent organizations and supplying the requisite number by details from the line.

Fourth. Fitting the permanent staff positions by the competition of line officers are happy ideas; the result will be to inspire with zeal and hope those subordinate officers of the Army who spend their lives on the remote frontier, away from civilization, and who from the need of something better to occupy their minds are apt to fall into habits of idleness and at times of dissipation.

They will now have some inducement to cultivate their minds and control their habits.

In short, the sections which I have enumerated tend to inspire hope and uniform good character.

The wisest laws for the government of an army will fail in their object without character to administer them.

I have no hesitation in saying that the committee will be entitled to be called public benefactors should they succeed in passing the bill through the Houses of Congress with the above-named vital principles intact.

Very respectfully, your obedient servant,

SILAS CASEY,
Brevet Major-General, United States Army.

General A. E. BURNSIDE,
Chairman Joint Committee Army Organization.

Mr. BANNING. I will detain the House with but one more letter, (although I have one from the General of the Army and letters from many other officers,) and that is from Major-General Schofield, whose opinions upon military law and army organization are held in esteem by all:

HEADQUARTERS DEPARTMENT OF WEST POINT,
UNITED STATES MILITARY ACADEMY,
West Point, N. Y., December 20, 1878.

DEAR GENERAL: I have made a careful examination of the fundamental provisions of the bill recently reported to Congress by the joint commission on the reorganization of the Army, and I do not hesitate to say that I believe the bill merits the cordial support of the Army. The provisions relating to organization, command, and administration are in conformity to the principles recognized by the foremost military nations of the present day, and are well adapted to the peculiarities of our military establishment, of our form of government, and of our country, considering the vast territory which our small Army must occupy.

After the very careful study I have given to this subject, especially during the last ten and a half years, during which I have devoted to it a large part of my time and best effort, it seems to me that we can hardly hope for a better military system than that which this bill proposes. I speak not of the details in which there may doubtless be some room for amendment, but of the essential principles, which I am sure are correct.

It cannot be expected that the staff department will generally support such a measure as this. No man, nor any body of men, ever voluntarily relinquished any part of the independent authority which has once been possessed and exercised. But a sound and healthy system once inaugurated, will soon have the cordial support of all.

Above all the bill proposes to give us what has long been sorely needed, namely, a well-matured system, complete in all its essential features, and established by law, in place of the heterogeneous mass of regulations, customs, and special legislation heretofore adopted, and incessantly changed to meet the views and interests of individuals or of special branches of the service.

The administrative details embodied in the bill are a careful compilation of the results of our experience of a hundred years. With slight exceptions they are the regulations now in force, so far as the most diligent research has given the knowledge what these regulations really are, a knowledge possessed by none but the very few officers who have devoted special study to that intricate subject.

It is certainly wise to now give to those well-matured rules the sanction and comparative stability of an act of Congress. The important changes which the bill proposes in these rules are only those necessary to regulate and fix the due responsibility and authority of all in the military service regarded as components of one harmonious organization—an army, in place of several independent or semi-independent military establishments. The organization proposed has the important merit of elasticity. It is capable of rapid expansion and contraction to meet the varying necessities of the country and the first demands of economy. But above all it gives great facilities for the highest education of the Army. It affords the young officers opportunities to become familiar with nearly all the branches of the service, and thus fits them in a high degree for the duties which the rapid organization, equipment, instruction, and command of a great army must require of them. Experience has already demonstrated that with few exceptions three or four years are as much time as a young officer can profitably spend in the duties of any one special service. Beyond that time his usefulness, even in that special service, no longer increases, and he rapidly becomes unfit for anything else. Promotion, giving him a wider sphere of duty, or a change of specialty, is essential to his full activity and to the continuous development of his faculties. But promotion in time of peace must needs be slow, far more slow than that which would give the greatest efficiency. Hence periodical changes of special service afford the necessary means for the best development of the young officer's character and faculties, in addition to the inestimable advantage of such general education and experience as will fit him for any duty which the sudden demands of a great war may require of him to perform.

Naturally enough we who are in the Army think the Army is already too small and dislike to see it reduced; but it is for Congress to judge how large an Army the country needs, and for us to do all in our power to make that Army as effective and useful as possible. If the number of officers must be reduced, certainly no one can complain that the provisions of this bill for the reduction are not just and fair.

I sincerely hope that this measure, which has manifestly been dictated by the best spirit toward the Army, as well as by a sense of duty to the country, will receive from all officers the cordial acquiescence and support which it merits.

I am, dear general, very truly yours,

J. M. SCHOFIELD,
Major-General United States Army.

General W. T. SHERMAN,
Washington, D. C.

Mr. Chairman, these approvals and commendations of the bill by such distinguished officers are certainly the very best evidences that the bill is a good one and should become a law. These officers all belong to the line, except Paymaster Bates, and his service is in Texas with troops. They assure the House that officers of the line are in favor of the bill and desire its passage.

I know, sir, the bill is opposed by the staff, and that they have lobbied long and hard and earnestly to prevent its passage—not in the interest of the Army, nor of the country—but for the sole and only purpose of preserving and saving for themselves the fat, comfortable, useless, extravagant, and expensive positions they now fill.

Sir, if this bill becomes a law it will accomplish the following organization of the engineers, artillery, cavalry, infantry, and Indian scouts, namely:

Line organization.

Arm of service.	Regiments.	Companies.	Brigadier-generals.	Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.	Chaplains.	Adjutants.	Quartermasters.	Total commissioned.	Sergeant-majors.	Quartermaster-sergeants.	Principal musicians.	Sergeants.	Corporals.	Artificers.	Musicians.	Privates.	Total enlisted, three battalions manned.	Aggregate.	Total enlisted, two battalions manned in the artillery and infantry and three in the cavalry.	Aggregate, two battalions manned in artillery and infantry and three in the cavalry.	Remarks.
Engineers:																										
Company	....	....	....	....	....	....	....	....	....	....	....	....	.....	....	....	....	10	10	....	2	90	112	.....	.....	.....	Provided that total enlisted strength exclusive of signal soldiers (450
Battalion	....	5	....	....	....	1	5	....	6	....	1	1	.....	1	1	....	50	50	....	10	450	562	.....	.....	.....		
Corps	....	5	1	6	12	24	30	26	10	....	....	....	109	1	1	....	50	50	....	10	450	562	671	562	671		

Line organization—Continued.

Arm of service.	Regiments.	Companies.	Brigadier-generals.	Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.	Chaplains.	Adjutants.	Quartermasters.	Total commissioned.	Sergeant-majors.	Quartermaster-sergeants.	Principal musicians.	Sergeants.	Corporals.	Artificers.	Musicians.	Privates.	Total enlisted, three battalions manned.	Aggregate.	Total enlisted, two battalions manned in the artillery and infantry and three in the cavalry.	Aggregate, two battalions manned in artillery and infantry and three in the cavalry.	Remarks.
Artillery:																										
Battery	....	....	....	....	....	....	1	2	1	....	....	....	4	....	....	....	5	4	2	2	47	60	64	.....	.....	
Regiment	....	12	....	1	1	3	12	24	12	....	1	1	53	1	1	2	60	48	24	24	564	724	777	.....	.....	
Corps	5	60	....	5	5	15	60	120	60	....	5	5	265	5	5	10	300	240	120	120	2,820	3,620	3,885	2,420	2,685	
Cavalry:																										
Troop	....	....	....	....	....	....	1	2	1	....	....	....	4	....	....	....	5	4	2	2	70	83	87	.....	.....	
Regiment	....	12	....	1	1	3	12	24	12	1	1	1	54	1	1	2	60	48	24	24	840	1,000	1,054	.....	.....	
Corps	8	96	....	8	8	24	96	192	96	8	8	8	432	8	8	16	480	384	192	192	6,720	8,000	8,432	8,000	8,432	
Infantry:																										
Company	....	....	....	....	....	....	1	1	1	....	....	....	3	....	....	....	5	4	2	2	75	88	91	.....	.....	
Regiment	....	12	....	1	1	3	12	12	12	1	1	1	42	1	1	2	60	48	24	24	900	1,060	1,102	.....	.....	
Corps	18	216	....	18	18	54	216	216	216	18	18	18	756	18	18	36	1,080	864	432	432	16,200	19,080	19,836	12,744	13,500	
Indian scouts	....	....	....	....	....	....	....	....	....	....	....	....	.....	....	....	....	....	....	....	....	.....	600	600	600	600	
Total line	31	572	....	....	....	....	....	....	....	....	....	....	1,562	....	....	....	....	....	....	....	.....	31,862	33,424	24,326	25,888	

does not exceed 25,000 men, cavalry companies may be increased to 100 men and infantry companies to 125, &c., and additional men may be added to light batteries. (§§15, 22, 33.) Fourth battalion companies not counted in this table.

For the information of those who desire to see the comparison of the present and proposed organization of the Army, I submit a table showing the whole subject in detail:

Statement in relation to the present and proposed organization of the Army.

Corps, departments, &c.	Regiments.	Companies.	General.	Lieutenant-General.	Major-generals.	Brigadier-generals.	Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.	Chaplains.	Storekeepers.	Details.	Reduction.	
General officers—																	
Now	.....	.....	1	1	3	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Proposed	.....	.....	.....	.....	2	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Reduction	.....	.....	1	1	1	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	
Adjutant-General's department now	.....	.....	.....	.....	.....	1	2	4	10	.....	.....	.....	.....	.....	.....	.....	
Inspector-General's department now	.....	.....	.....	.....	.....	1	3	2	1	.....	.....	.....	.....	.....	.....	.....	
Total of the two departments	.....	.....	.....	.....	.....	2	5	6	11	.....	.....	.....	.....	.....	.....	.....	
Proposed "general staff"	.....	.....	.....	.....	.....	1	3	6	8	.....	.....	.....	.....	.....	15	.....	
Reduction	.....	.....	.....	.....	.....	1	2	.....	3	.....	.....	.....	.....	.....	.....	6	
Quartermaster's Department—																	
Now	.....	.....	.....	.....	.....	1	4	8	14	30	.....	.....	.....	7	.....	.....	
Proposed	.....	.....	.....	.....	.....	1	2	5	8	.....	.....	.....	.....	.....	30	.....	
Reduction	.....	.....	.....	.....	.....	.....	2	3	6	30	.....	.....	.....	7	.....	48	
Subsistence department—																	
Now	.....	.....	.....	.....	.....	1	2	3	8	12	.....	.....	.....	.....	.....	.....	
Proposed	.....	.....	.....	.....	.....	1	1	2	5	.....	.....	.....	.....	.....	12	.....	
Reduction	.....	.....	.....	.....	.....	.....	1	1	3	12	.....	.....	.....	.....	.....	17	
Medical department—																	
Now	.....	.....	.....	.....	.....	1	6	10	50	*125	.....	.....	.....	4	.....	.....	
Proposed	.....	.....	.....	.....	.....	1	6	10	48	*120	.....	.....	.....	.....	.....	.....	
Reduction	.....	.....	.....	.....	.....	.....	.....	.....	2	5	.....	.....	.....	4	.....	11	
Pay department—																	
Now	.....	.....	.....	.....	.....	1	2	2	50	.....	.....	.....	.....	.....	.....	.....	
Proposed	.....	.....	.....	.....	.....	1	1	1	25	.....	.....	.....	.....	.....	.....	.....	
Reduction	.....	.....	.....	.....	.....	.....	1	1	25	.....	.....	.....	.....	.....	10	27	
Ordnance department—																	
Now	.....	.....	.....	.....	.....	1	3	4	10	20	16	.....	.....	10	.....	.....	
Proposed	.....	.....	.....	.....	.....	1	2	4	8	.....	.....	.....	.....	.....	30	.....	
Reduction	.....	.....	.....	.....	.....	.....	1	.....	2	20	16	.....	.....	10	.....	49	
Bureau of Military Justice and judge-advocates—																	
Now	.....	.....	.....	.....	.....	1	.....	.....	8	.....	.....	.....	.....	.....	.....	.....	
Proposed	.....	.....	.....	.....	.....	.....	1	.....	2	.....	.....	.....	.....	.....	3	.....	
Reduction	.....	.....	.....	.....	.....	1	.....	.....	6	.....	.....	.....	.....	.....	.....	6	
Addition	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Signal Bureau—																	
Now	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	2	.....	.....	6	.....	
Proposed	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	6	.....	
Reduction	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	2	
Post-chaplains abolished—																	
Reduction	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	30	.....	.....	30	
Total line officers detailed in "the staff"	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	106	.....	
Total reduction in general and staff officers	.....	.....	1	1	1	4	6	5	47	†67	16	2	30	21	.....	201	
The Corps of Engineers—no change	.....	5	.....	.....	.....	1	6	12	24	30	26	10	.....	.....	.....	.....	
The artillery—																	
Now	5	60	.....	.....	.....	.....	5	5	15	60	130	65	.....	.....	.....	.....	
Proposed	5	‡60	.....	.....	.....	.....	5	5	15	60	120	60	.....	.....	.....	.....	
Reduction	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10	5	.....	.....	.....	15	
The cavalry—																	
Now	10	120	.....	.....	.....	.....	10	10	30	120	140	120	2	.....	.....	.....	
Proposed	8	‡96	.....	.....	.....	.....	8	8	24	96	192	96	8	.....	.....	.....	
Reduction	2	24	.....	.....	.....	.....	2	2	6	24	.....	24	.....	.....	.....	.....	58−53=0
Addition	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	52	.....	6	.....	.....	.....	
The infantry—																	
Now	25	250	.....	.....	.....	.....	25	25	25	250	300	250	2	.....	.....	.....	
Proposed	18	‡216	.....	.....	.....	.....	18	18	54	216	216	216	18	.....	.....	.....	
Reduction	7	34	.....	.....	.....	.....	7	7	.....	34	84	34	.....	.....	.....	121	166−45=121
Addition	.....	.....	.....	.....	.....	.....	.....	.....	29	.....	.....	.....	16	.....	.....	.....	
Total reduction in the line	9	58	.....	.....	.....	.....	9	9	.....	58	42	63	.....	.....	}	136	181−45=136
Additions to the line	.....	.....	.....	.....	.....	.....	.....	.....	23	.....	.....	.....	22	.....	}		
Total reduction in general and staff officers	.....	.....	1	1	1	4	6	5	47	67	16	2	30	21	.....	201	
Total reduction whole Army	9	58	1	1	1	4	15	14	24	125	58	65	8	21	.....	337	

*125 assistant surgeons. †Captains and assistant surgeons. ‡Does not include fourth battalion companies.

I desire also to submit and have read the proposed amendment as finally agreed upon by the joint commission.

The amendment was read as follows:

Mr. BANNING, from the joint commission on the reorganization of the Army, submitted the following amendment, proposed in the nature of a substitute for the bill (H. R. No. 5499) to reduce and reorganize the Army of the United States, and to make rules for its government and regulation, viz: Strike out all after the enacting clause and insert the following:

That the Army of the United States shall consist of the regular Army and the volunteer forces that may be authorized by law.

ORGANIZATION.

SEC. 2. That the regular Army shall consist of—
First. A corps of general officers, namely:
One general;
One lieutenant-general;
Three major-generals;
Six brigadier-generals.
Second. The general staff.
Third. The line of the Army, namely:
A corps of engineers;
A corps of artillery;
A corps of cavalry;
A corps of infantry;
A force of Indian scouts.
Fourth. The staff departments, namely:
A quartermaster's department;
A subsistence department;
An ordnance department;
A medical department;
A pay department;
A signal bureau;
A bureau of military justice;
A military academy.
Fifth. The retired officers:

Provided, That "the staff" shall in general terms include all officers and soldiers employed for the time being on staff duties.

SEC. 3. That the offices of general and lieutenant-general and the offices of one major-general and two brigadier-generals shall expire as vacancies occur therein; and thereafter the corps of general officers shall consist of but two major-generals and four brigadier-generals.

SEC. 4. That the General shall have the title of General of the Army of the United States, and may select from the Army one military secretary and two aids-de-camp, who while so serving shall have the rank: the secretary of colonel; one aid, that of lieutenant-colonel; and the other, that of major.

SEC. 5. That the Lieutenant-General may select from the Army two aids-de-camp, who shall have while so serving the rank, respectively, of lieutenant-colonel and major.

SEC. 6. That each major-general may have two aids-de-camp, to be selected from the captains or first lieutenants of the line; and each brigadier-general may have one aid-de-camp, to be selected from the first lieutenants of the line.

SEC. 7. That an officer assigned to duty or command according to his brevet as a general officer may, under special sanction of the President, have the aids-de-camp allotted to the grade in which he is assigned to duty.

SEC. 8. That the general staff of the Army shall consist of one Adjutant-General, with the rank of brigadier-general; three colonels; six lieutenant-colonels: eight majors; the authorized aids-de-camp to the general officers; and such captains and first lieutenants of the line as may be deemed necessary by the President, not exceeding fifteen, to be detailed as hereinafter provided; and officers of the general staff other than aids-de-camp shall, according to the nature of their duties, be known as the adjutant or the assistant adjutant, or as the inspector or assistant inspector general, to the commands in which they are serving.

SEC. 9. That the Corps of Engineers shall consist of one Chief of Engineers with the rank of brigadier-general; six colonels; twelve lieutenant-colonels; twenty-four majors; thirty captains; twenty-six first lieutenants; ten second lieutenants; and a battalion of engineer soldiers.

SEC. 10. That the battalion of engineers shall consist of five companies, one sergeant-major, and one quartermaster-sergeant, who shall also be commissary-sergeant; and that a battalion-adjutant, a battalion-quartermaster, and appropriate officers to command the companies and the battalion, shall be detailed from the Corps of Engineers.

SEC. 11. That each company of engineer soldiers shall consist of ten sergeants, ten corporals, two musicians, and as many privates of the first and second classes, not exceeding forty-five of each class, as the President may direct.

SEC. 12. That the troops of the engineer battalion shall be recruited in the same manner, and with the same limitations, and shall be entitled to the same provisions, allowances, and benefits, in every respect, as are allowed to other troops of the Army.

SEC. 13. That the Corps of Artillery shall consist of five regiments. Each regiment shall consist of four battalions, of four batteries each, and shall have one colonel, one lieutenant-colonel, three majors, twelve captains, twenty-four first lieutenants, twelve second lieutenants, one sergeant-major, one quartermaster-sergeant, and two principal musicians.

SEC. 14. That each battery of artillery shall, in addition to its proper officers, consist of one orderly-sergeant, four sergeants, four corporals, two artificers, two musicians, and, except as hereinafter provided, of not exceeding forty-seven privates.

SEC. 15. That one battery of each artillery regiment shall be habitually equipped as light artillery and as a school of instruction for the regiment, and may have two additional sergeants and four corporals, and enough privates to complete the battery organization; and whenever the President deems it necessary he may direct that additional batteries be equipped as light artillery. The instruction light battery of each regiment shall be under the command of one of the majors of the regiment, and the captains and lieutenants shall be detailed for duty with it according to the roster, and under the direction of the Commanding General of the Army.

SEC. 16. That the Corps of Cavalry shall consist of eight regiments. Each regiment shall consist of four battalions of four troops each, and shall have one colonel, one lieutenant-colonel, three majors, one chaplain, twelve captains, twenty-four first lieutenants, twelve second lieutenants, one sergeant-major, one quartermaster-sergeant, and two principal musicians.

SEC. 17. That each troop of cavalry shall in addition to its proper officers consist of one orderly-sergeant, four sergeants, four corporals, two artificers, two musicians, and, except as hereinafter directed, of not exceeding seventy privates.

SEC. 18. That the Corps of Infantry shall consist of eighteen regiments. Each regiment shall consist of four battalions of four companies each, and shall have one colonel, one lieutenant-colonel, three majors, one chaplain, twelve captains, twelve first lieutenants, twelve second lieutenants, one sergeant-major, one quartermaster-sergeant, and two principal musicians.

SEC. 19. That each company of infantry shall in addition to its proper officers consist of one orderly-sergeant, four sergeants, four corporals, two artificers, two musicians, and, except as hereinafter directed, of not less than seventy-five privates.

SEC. 20. That every regiment of the line of the Army shall have one adjutant and one quartermaster, both to be detailed from the first lieutenants of the regiment; and details for regimental, post, or other bands are prohibited.

SEC. 21. That the word "company," as used in this act and in the regulations that may be made pursuant thereto, shall apply to the batteries of artillery, both light and foot, and to the cavalry troop, as well as to the companies of engineers and infantry.

SEC. 22. That, except as hereinafter provided, the third battalion companies of artillery and infantry shall not be manned; and the third battalion companies of cavalry shall be unmanned as rapidly as the interests of the public service, in the judgment of the President, will permit. Nor shall any of the fourth battalion companies be either officered or manned until Congress shall so direct; and when Congress shall direct the filling up of any of the fourth battalion companies the officers therefor (namely, one captain, two first lieutenants, and one second lieutenant to each company of artillery and cavalry, and one captain, one first and one second lieutenant to each company of infantry) shall be supplied by regular promotion in the several corps, and by appointment to vacancies in the lower grade, of graduates of the Military Academy and meritorious soldiers.

SEC. 23. That the President, when the exigencies of the service so require, may direct that any of the unmanned companies or battalions be filled up; or he may, in addition to, or in lieu of manning those organizations, direct that those or any other companies may be increased by transfers or otherwise, to a total enlisted strength of one hundred in the cavalry, and one hundred and twenty-five in the artillery and infantry: *Provided*, That nothing in this act shall authorize any increase of the total enlisted strength of the Army, exclusive of the signal soldiers, to more than twenty-five thousand men; nor shall any of the fourth battalion companies be either officered or manned until Congress shall so direct, as provided in the preceding section.

SEC. 24. That at the discretion of the President, any portion of the artillery or cavalry may be equipped and employed as infantry, and any portion of the infantry may be mounted.

SEC. 25. That the force of Indian scouts shall consist of such number of enlisted Indians, not exceeding six hundred, and including a proper proportion of non-commissioned officers, as may be authorized by the President. They shall be employed as scouts in the Territories and in the Indian country, and shall be discharged when their services are no longer required, or at the discretion of the department commander.

SEC. 26. That the Quartermaster's Department of the Army shall consist of one Quartermaster-General with the rank of brigadier-general; two colonels, five lieutenant-colonels, and eight majors, all quartermasters; and such captains and first lieutenants of the line as may be deemed necessary by the President, not to exceed thirty, to be detailed as hereinafter provided, and to be styled assistant quartermasters.

SEC. 27. That the Subsistence department of the Army shall consist of one Commissary-General of Subsistence with the rank of brigadier-general; one colonel, two lieutenant-colonels, and five majors, all commissaries of subsistence, and such captains and first lieutenants of the line as may be deemed necessary by the President, not to exceed twelve, to be detailed as hereinafter provided, and to be styled assistant commissaries of subsistence; and not exceeding one hundred and fifty commissary-sergeants.

SEC. 28. That the commanding officer of each military post, or of a detachment in the field of two or more companies, when no officer of the Quartermaster's or Subsistence department is present for duty, may appoint from among the subalterns one to act both as assistant quartermaster and commissary, who shall be subject to all the rules and regulations for officers of these departments, and shall perform the duties thereof.

SEC. 29. That the Ordnance department of the Army shall consist of one Chief of Ordnance with the rank of brigadier-general, two colonels, four lieutenant-colonels, eight majors, such captains and first lieutenants of the artillery as may be deemed necessary by the President, not exceeding thirty, to be detailed as hereinafter provided, and not exceeding one hundred and fifty ordnance-sergeants.

SEC. 30. That the necessary guards for the arsenals and ordnance depots shall, as far as practicable, be detailed from the artillery.

SEC. 31. That the Medical department of the Army shall consist of one Surgeon-General with the rank of brigadier-general; one assistant surgeon-general and one chief medical purveyor, each with the rank of colonel; two assistant medical purveyors with the rank of lieutenant-colonel; sixty surgeons, four with the rank of colonel, eight with the rank of lieutenant-colonel, and forty-eight with the rank of major; and one hundred and twenty assistant surgeons with the rank of first lieutenant for the first eight years' service, and the rank of captain thereafter.

SEC. 32. That there shall be attached to the Medical department as many hospital-stewards of the first class, not exceeding two hundred, as the service may require, to be appointed or enlisted as hereinafter directed, and to be employed exclusively at military posts and dispensaries, or with troops in the field.

SEC. 33. That no contract surgeon shall be employed in the Medical department except for and during an emergency, and upon an application from the Surgeon-General, approved by the Commanding General of the Army.

SEC. 34. That the Pay department of the Army shall consist of one Paymaster-General with the rank of brigadier-general; one colonel, one lieutenant-colonel, and twenty-five majors, all paymasters; and such captains and first-lieutenants of the line as may be deemed necessary by the President, not exceeding ten, to be detailed as hereinafter provided, and to be styled assistant paymasters.

SEC. 35. That each paymaster and assistant paymaster may employ, while on duty, one civilian clerk, whose compensation shall not exceed $100 per month.

SEC. 36. That when volunteers or militia are called into the service of the United States in such numbers that the officers of the Quartermaster's, Subsistence, and Pay departments, authorized by law, are not sufficient for their proper maintenance, the President may, with the advice and consent of the Senate, add such number of captains, not exceeding one to each department for each brigade, as the service may require: *Provided*, That the additional quartermasters, commissaries, and paymasters shall be retained in service as such only so long as their services shall be necessary to the militia and volunteers.

SEC. 37. That the Signal Bureau of the Army shall consist of one Chief Signal Officer with the rank of colonel, such captains and first lieutenants as may be deemed necessary by the President, not exceeding six, to be detailed from the line as hereinafter provided, and to be styled signal officers, and an enlisted force of one hundred and fifty sergeants, thirty corporals, and two hundred and seventy privates, all of whom may, when necessary, be mounted.

SEC. 38. That the Bureau of Military Justice shall consist of one Judge-Advocate-General with the rank of colonel; two judge-advocates with the rank of major; and such captains and first lieutenants of the line as may be deemed necessary by the President, not exceeding three, to be detailed as hereinafter provided, and to be styled assistant judge-advocates.

SEC. 39. That on and after the 1st day of January, 1880, the office of post-trader shall be abolished, and thereafter no person shall have an exclusive privilege of trading on any military reservation or within any military camp or garrison.

SEC. 40. That in order to bring about the reduction and reorganization provided for by this act, it is authorized and directed—

First. That a "reserved list" be established, to which officers shall be transferred from the line and staff, when not otherwise disposed of, as hereinafter directed.

Second. That so much of existing laws as limits the number of officers that may at any one time be on the "retired list" is hereby suspended.

Third. That every officer who has been thirty years in service may, upon his own application, be placed upon the retired list; that every officer, other than of the

corps of general officers, who shall be sixty-two years of age at the passage of this act, and shall then have served for ten years as an officer, shall be at once retired; that all such officers who, at the passage of this act, shall be between the ages of sixty and sixty-two, shall be at once transferred to the reserved list, and as they attain the age of sixty-two they shall be placed on the retired list; and that every officer who shall be over sixty years of age at the passage of this act, and shall not then have rendered at least ten years' service as an officer, shall be discharged with the gratuity provided in clause 4 of this section: *Provided*, That each year's service in time of war shall count as two years' ordinary service.

Fourth. That every officer, other than those referred to in clause 3 of this section, who is unfit from any cause whatever for the proper and efficient discharge of his military duties, shall, as soon as may be after the passage of this act, be either discharged from the service or placed upon the retired list. If the disabilities be the result of intemperance or other vicious habits, the officer shall be discharged with a gratuity of one year's pay if he shall have served at least three years; if it be neither the result of vicious habits nor of any incident of the service, he shall be discharged with a gratuity at the rate of one year's pay for each period of five years' service rendered, either as an officer or soldier in the regular or volunteer forces of the United States; but if the disability be the result of injuries received or disease contracted in the line of his duty, the officer shall be placed upon the retired list.

Fifth. That the chiefs of the several departments and bureaus of the staff, the commanders of the several geographical divisions and departments, of the Corps of Engineers, of the several regiments and military posts, and of detachments in the field, shall, as soon as practicable, and before the 1st day of June, 1879, forward through and for the remarks of the Commanding General of the Army to the Secretary of War, a list of the officers belonging to their respective departments, bureaus, or commands deemed by them unfit from any cause for the proper and efficient discharge of their duty. The cause of such unfitness shall be fully and specifically set forth in each case, with a list of witnesses and reference to any documental evidence.

Sixth. That a board, to consist of not less than three of the highest general officers available for the purpose, and of two surgeons, and that shall have a recorder, shall be appointed by the President, to examine into the qualifications and habits of every officer affected by the reports or records referred to in clause fifth of this section, and not disposed of by age under clause third. The members of the board and the recorder shall be sworn to a faithful discharge of their duties; and the board shall have power to compel the witnesses necessary in any case, whether they be civilian or military, to appear and testify.

Seventh. That the reports and records called for by clause fifth of this section, and such special reports in relation thereto as may be deemed necessary by the Secretary of War, shall be referred to the board of examiners aforesaid, for the investigation necessary in each case; and upon the recommendation of the board, approved by the President, the officers unfavorably reported upon shall, in accordance with clause fourth of this section, be either retired or discharged: *Provided*, That no officer shall thus be retired or discharged until he has been allowed an opportunity to appear before the board and show cause against such action.

Eighth. That the present Adjutant and Inspector General's departments shall be consolidated into the department to be known as the general staff; that the present cavalry force shall be consolidated into eight regiments, and the present infantry force into eighteen regiments; and that the enlisted men of ordnance, artillery, cavalry, and infantry shall be so transferred as to establish as soon as may be the reorganization in view: *Provided*, That no non-commissioned officer or first-class private shall be forced to serve in a lower grade.

Ninth. That from the officers remaining upon the active list of the line and staff, after the process of elimination hereinbefore prescribed has been completed, and before the 1st day of January, 1880, the President, according to their seniority, shall, by retention in their present positions and by the necessary transfers and promotions, arrange the proper complement of officers to each of the departments and bureaus of the staff, and to the several corps and regiments of the line. Upon this arrangement being made, the supernumerary officers shall be transferred to the reserved list: *Provided*, That this act in discontinuing certain grades and titles of office shall not thereby vacate the commissions of the present incumbents, but they shall be retained, retired, transferred, promoted, or discharged, as other officers, according to the provisions of this act.

SEC. 41. That the "reserved list" shall be maintained for three years, or till Congress shall otherwise direct: *Provided*, That no additions shall be made thereto after the reorganization of the Army has been accomplished; and that the officers upon this list shall, except as hereinafter provided, receive the pay and allowances of officers of like rank retired by reason of age or length of service, and no more: *And provided further*, That any officer of the Army may, within six months from the passing of this act, upon his own application, and at the discretion of the President, be transferred to the reserved list.

SEC. 42. That every officer upon the reserved list who may tender his resignation within six months after his transfer thereto, shall be entitled, upon the acceptance of such resignation, to receive three years' full pay of his rank, less the amounts previously paid to him as an officer on that list.

SEC. 43. That officers upon the reserved list shall remain subject in all respects to the Rules and Articles of War, and when employed upon any duty that may be recognized by law, they shall receive the full pay and allowances of their rank.

SEC. 44. That officers of the regular Army shall be transferred from the active list to the retired list, on account of age, as follows, namely: first, general officers, upon attaining the age of sixty-five years, unless the President shall otherwise specially direct; second, all officers other than those hereinbefore mentioned, upon reaching sixty-two years of age: *Provided*, That nothing in this or in following sections shall be construed in derogation of the provisions of section 40 of this act.

SEC. 45. That any officer of the regular Army who shall have served forty years either as an officer or soldier in the regular or volunteer service, shall, upon his own application, be transferred to the retired list; and upon such application he may be thus transferred at the discretion of the President, at any time after twenty-five years' such service.

SEC. 46. That when any officer of the regular Army shall have become incapable of performing the duties of his office, he shall be either transferred to the retired list, or be discharged from the service, as hereinafter provided.

SEC. 47. The chiefs of the several departments and bureaus of the staff, and the commanders of the geographical divisions and departments, of the Corps of Engineers, and of the several regiments, shall from time to time, and at least once in each year, report to the Commanding General of the Army for the information of the Secretary of War and of the President, all officers belonging to their several departments, bureaus, or commands who are deemed incapable for the performance of the duties of their several offices; and the officers thus reported shall, as soon as practicable, be summoned before a retiring board for examination.

SEC. 48. That under the direction of the President, the Secretary of War shall from time to time assemble Army retiring boards to examine the cases of officers reported upon, as indicated in next preceding section, or who may for other reasons be deemed incapable for the performance of their proper duties.

SEC. 49. That a retiring board shall consist of not more than nine nor less than five officers, two-fifths of whom shall be selected from the surgeons of the Army, and as far as may be, the members, other than the medical officers, shall be senior in rank to the officer to be examined.

SEC. 50. That a retiring board shall inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office; it shall have such of the powers of a general court-martial as may be necessary for that purpose; and the members shall be sworn in every case to discharge their duties honestly and impartially; and no officer shall be transferred to the retired list or be discharged upon the recommendation of the board without a full and fair hearing before it, if upon due summons he shall demand such hearing.

SEC. 51. That when a retiring board finds that an officer is incapacitated for active service, it shall also find and report the cause of such incapacity and whether or not it has resulted from an incident of the service. And the board shall recommend, upon due consideration of the officer's age and the other circumstances of the case, whether his disability shall be rated as total, three-fourths, or one-half.

SEC. 52. That the proceedings and findings of a retiring board shall be transmitted to the Secretary of War and shall by him be laid before the President for his action; and no decision of the board shall be carried into effect until the proceedings shall have been personally examined by the President and such decision personally approved by him.

SEC. 53. That when a retiring board finds that an officer is incapacitated for active service, and that the incapacity is the result of an incident of service, the officer shall be transferred to the retired list. If it be found that the incapacity results neither from an incident of the service nor from any vicious habit of the officer, he shall be transferred to the retired list or be discharged, as the President, upon the recommendation of the board, may direct. But if it be found that the officer's incapacity is the result of intemperance, idleness, or other vicious habit, he shall be discharged.

SEC. 54. That all officers hereafter transferred to the retired list shall be borne on that list with the corps rank actually held by them at the date of their retirement; or, if retired by reason of wounds received in action, upon the highest corps rank actually held by them, in the regular or volunteer service, at the time the disability was incurred.

SEC. 55. That officers transferred to the retired list on account of age or length of service shall thereafter be entitled to receive 2 per cent. of the current yearly pay of the rank upon which they are retired, for each and every year's service rendered, either as an officer or as a soldier in the regular or volunteer service: *Provided*, That the retired pay of an officer under this section shall in no case exceed 80 per cent. of the pay of the rank upon which he is retired; and that each year's service in time of war shall count as two years' ordinary service.

SEC. 56. That an officer transferred to the retired list on account of incapacity resulting from an incident of the service shall thereafter be entitled to receive the full pay of the rank upon which he is retired if the disability be total, 70 per cent. of that pay if the disability be three-fourths, and 50 per cent. if the disability be one-half or less. If the incapacity for which the officer is thus retired be not the result of an incident of the service, he shall be entitled to receive 70 per cent. of the pay of the rank upon which he is retired if the disability be total, 50 per cent. if the disability is three-fourths, and 25 per cent. if it be only one-half or less. But in no case shall the pay of an officer retired for incapacity be less than that which he would have received if retired on account of age or for length of service.

SEC. 57. That the officers now on the retired list shall, as soon as practicable, be rated for pay in accordance with the provisions of this act; and for the purpose of determining the pay of those transferred to that list on account of incapacity, the President is authorized and requested to appoint a special retiring board, consisting of one general officer, five colonels, (namely, one of artillery, one of cavalry, one of infantry, and two from the staff departments,) and three surgeons. Upon an examination of the records in each case, and after taking such additional testimony as may appear necessary, this board shall recommend whether, in view of the present circumstances of each case, the officer's disability should be rated as total, three-fourths, or one-half; but the pay of an officer shall not be reduced under the operation of this section without his having had a full and fair hearing before the board, if upon due notice of such contemplated reduction he shall promptly demand such hearing; nor shall the recommendation of the board determine the rate of pay in any case until it shall have been approved by the President.

SEC. 58. That when an officer shall be discharged under the provisions of section 53 of this act, for incapacity not resulting from his own vicious habits, he shall thereupon be entitled to receive a gratuity of not to exceed three years' pay of his rank, said gratuity to be fixed by the President, upon the recommendation of the board; and if the incapacity be the result of his own vicious habits, the officer may, at the discretion of the President, receive a gratuity upon his discharge, not exceeding one year's pay of his rank.

SEC. 59. That officers transferred to the retired list on account of incapacity shall from time to time, and at the discretion of the President, be re-examined by a retiring board, in order that any proper change in the rating of their disabilities may be made; and if it shall appear upon a re-examination that an officer has become fully qualified for active service, he may, on the occurrence of an appropriate vacancy, be transferred to the active list.

SEC. 60. That officers transferred to the retired list shall be withdrawn from command and the line of promotion, but shall continue subject to the rules and articles of war, shall be entitled to wear the uniform to which they were entitled on the active list, and their names shall be borne on the Army Register.

SEC. 61. That none other than retired officers shall be eligible for appointment as governor, deputy governor, or treasurer of the Soldiers' Home; that upon their own application retired officers may be placed in charge of unoccupied military posts, and while on such duty shall be entitled to fuel and quarters in kind; and upon like application they may be assigned to duty at any college or university entitled under the law to the detail of an Army officer; but they shall not be assignable to duties other than those herein indicated, nor shall they receive any compensation from the Government other than their pay as retired officers that is not expressly authorized by law.

SEC. 62. That the general officers shall be selected from the Army; the major-generals from the brigadier-generals, and the brigadier-generals from the field officers of the line.

SEC. 63. That the chiefs of the general staff of the staff departments and of the Corps of Engineers shall be selected from the Army; the Chief of Engineers from the field officers of that corps; the Surgeon-General from the officers of the Medical department above the rank of assistant surgeon; the Chief of Ordnance from the field officers of ordnance and artillery; and the chiefs of the other branches of the staff from the field officers either of the bureau or department in which the vacancy occurs or of the line.

SEC. 64. That appointments into the lowest permanent grades in the several departments and bureaus of the staff shall, except in the Medical department, be made by selection, upon competitive examination, from such officers as have served not less than three years in that branch of the staff in which the appointment is to be made.

SEC. 65. That promotion in the regular Army from the lowest commissioned grade into that of colonel shall, except as hereinafter provided, be made by seniority throughout the several lines of engineers, artillery, cavalry, and infantry, and in each of the departments of the staff, and not regimentally as heretofore. Graduated cadets of the same date shall take precedence in the order of rank established at the Military Academy.

SEC. 66. The details for duty in the general staff, other than aids-de-camp, and in the several staff departments and bureaus, except as provided in section 28 of this act, shall be made by the President by selections after consideration of the nominations that may be submitted by the Commanding General of the Army: *Provided*, That except in cases of emergency no officer shall be thus detailed against his will, nor in any case till he has served at least six years with his regiment, and that no such details shall be for a longer period than three years or, except at the Military

Academy, for two successive terms in the same department of the staff; and that as far as may be these details, except for ordnance duty, shall be equalized between the corps of artillery, cavalry, and infantry.

SEC. 67. That by transfers within each regiment a due proportion of officers shall be maintained with each of the manned battalions; and the President may from time to time make such temporary transfers to and from the cavalry as may be necessary to give that corps its proportion of the officers for staff duty, without impairing the efficiency of the cavalry service.

SEC. 68. That an officer detailed for duty in the staff shall not thereby forfeit either his lineal position, or right to promotion in the line; but when an officer is appointed into a permanent grade of the staff he shall thereupon vacate his commission in the line. Those officers appointed to the additional offices provided for in section 36 of this act, shall, upon discharge therefrom, be entitled to resume their relative positions in their proper corps, as though they had not been thus appointed.

SEC. 69. That general officers shall appoint their own secretaries and aids-de-camp; and the commanders of regiments, and of the engineer battalion, shall appoint their several adjutants and quartermasters: *Provided*, That hereafter no one shall be appointed secretary or aid-de-camp till he has served six years with his regiment or corps, nor shall any one remain on such duty for a longer period than three years.

SEC. 70. That for the purpose of promoting knowledge of military art and science among the young men of the United States, the President may, upon the application of any established college or university within the United States, having capacity to educate not less than one hundred and fifty male students at the same time, detail an officer of the Army to act as president, superintendent, or professor thereof; and the officers thus detailed shall be apportioned throughout the United States as nearly as may be according to population: *Provided*, That the number of officers to be thus detailed shall not exceed seventy-six from the reserved and retired lists; and such retired officers while serving on these details shall receive $20 a month extra pay.

SEC. 71. That the Secretary of War shall prescribe rules for the government of the officers detailed at the several colleges and universities aforesaid; he shall require those officers to state in their monthly reports the precise nature of their duties; and he shall cause inspections to be made from time to time in order to ascertain whether or not a proper course of military instruction is maintained at those institutions, and where such is not the case he shall withdraw the officer detailed.

SEC. 72. That the Secretary of War shall from time to time report to Congress whether or not a proper course of instruction in military tactics is maintained at the several colleges endowed with the proceeds of the sale of public lands, as stipulated in the act of July 2, 1862.

SEC. 73. That officers on duty at the several colleges and universities may during the stated vacations have leave of absence without deduction from their pay or allowances.

SEC. 74. That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. WHITE, of Pennsylvania. Mr. Chairman, I am obliged to the gentleman from New York, [Mr. HEWITT,] who has the Army appropriation bill in charge, for the courtesy of not objecting, at this time, to a discussion of some features of the Army reorganization bill, which indeed is cognate to an Army appropriation bill. The House having refused to proceed to consider the Army bill to-day, the intention now is, as I understand from the gentleman from Ohio, [Mr. BANNING,] to offer the different sections of the Army reorganization bill as an amendment to the pending appropriation bill. It is quite proper for me, then, to explain the proposed amendments. These amendments are embraced in the bill I hold in my hand, submitted by the gentleman from Ohio on the 24th of January by instructions of the joint committee on the reorganization of the Army, in the nature of a substitute for House bill No. 5499. To that I propose to speak. This, then, is a measure, sir, to reduce and reorganize the Army of the United States; it is brief and comprehensive. Any proposition affecting the United States Army always excites active interest, and usually here in Washington meets industrious opposition.

The influence of Army *personnel* reaches over the whole country. No proposition is ever made in Congress to reorganize or modify the military establishment in any way without encountering the charge of premeditated injustice and unfairness to a large class of individuals. Such criticism will not dismay or discourage the sincere public man in advocating those changes and reforms proper for this important department of the public service.

ARMY REORGANIZATION DIFFICULT.

Since our country has had an army, bitter resistance has always been made to any change in the existing organization. The establishment of any general principle usually affects here and there some individual interest, and I know individuals, possibly affected, have been most earnest in misrepresenting the provisions of this bill and industriously manufacturing public sentiment against it. Every member of Congress, doubtless, has been waited upon since this bill has been reported to the House, and informed of the anticipated resulting grievance if it is enacted into a law. The early days of the Republic furnish abundant parallel when legislation affecting the Army was proposed, and in this connection it may be entertaining to remark, that army reorganization encountered as much opposition in the infant days of the Government as now. In 1776, feeling the want of more system in the discipline of the Army, George Washington suggested to Congress the revision of the articles of war. John Adams and Thomas Jefferson were appointed a committee to discuss, be informed and report on the subject to the House.

JOHN ADAMS.

Mr. Adams, in his works, volume 3, page 68, says:

It was a very difficult and unpopular subject, and I observed to Jefferson that whatever alteration we should report with the least energy in it, or the least tendency to a necessary discipline of the Army, would be opposed with as much vehemence as if it were the most perfect. We might as well, therefore, report a complete system at once and let it meet its fate. Something, perhaps, might be gained. There was extant one system of articles of war which had carried two empires to the head of mankind, the Roman and the British; for the British articles of war were a literal translation of the Roman. It would be in vain for us to seek in our own inventions or the records of warlike nations for a more complete system of military discipline. I was, therefore, for reporting the British articles of war *totidem verbis*. Jefferson in those days never failed to agree with me in everything of a political nature, and he very cordially concurred in this.

And again, page 83, says Mr. Adams:

In Congress Jefferson never spoke, and all the labor of the debate on these articles, paragraph by paragraph, was thrown upon me, and such was the opposition and so undigested were the notions of liberty prevalent among the majority of the members, most zealously attached to the public cause, that to this day I scarcely know how it was possible that these articles could have been carried. They were adopted and governed the Army. Resolutions for raising eighty-eight battalions, with a bounty for enlisting the men during the war, granting lands, * * * were then passed. The articles of war and the institution of the Army during the war were all my work, and yet I have been represented as an enemy of a regular army.

While every public man will recognize the truth of what Mr. Adams said, when speaking on army discipline in 1776, "that it was our observation, founded on undoubted facts, that the prosperity of nations had been in proportion to the discipline of the forces by sea and land," yet for years past public inquiry has been repeated, "ought not something to be done to decrease the expense of the military establishment without in any way impairing its efficiency?" No wonder this inquiry should be made, for by reference to your appropriation bills for the current year it will be discovered that nearly $30,000,000 were appropriated for the use of the Army in its different departments! A comparison of these figures with appropriations for former years exhibit the fact that the expense of this arm of the public service is not rapidly decreasing. While there has been a commendable desire upon the part of all in authority to preserve its efficiency, there has been a laudable willingness to see if by prudent effort the expense of our Army could not be reduced.

ARMY COMMISSION.

Hence, at your last session in your Army appropriation bill there was made the provision that three Senators and five Members of the House should be appointed a joint committee, to whom the whole subject of army revision and reorganization should be referred, and that such "*committee shall carefully and thoroughly examine into the matter with reference to the demands of the public service, as to the number and pay of men and officers, and the proportion of the several arms; and also as to the rank, pay, and duties of the several staff corps, and whether any and what reductions can be made, either in the line, field, or staff, in numbers or in pay, by consolidation or otherwise, consistently with the public service, having in view a just and reasonable economy in the expenditure of public money, the actual necessities of the military service, and in the capacity for effective and rapid increase in time of war.*"

The proposed bill then comes from the hands of the committee thus authorized by law, and with the unanimous sanction of its members. On the 12th of December last this committee reported a bill, somewhat voluminous in character, to be found upon your files, No. 5499, and containing some seven hundred and twenty-four sections. While this bill was large in volume its exclusively new legislation embraced but small compass. The greater portion of it recited mere regulations for the business management of the Army. No formal Army regulations having been compiled or published since the Revised Regulations of 1863, it was deemed wise by the committee to collate and codify the regulations now in use, suggesting such changes as were deemed proper, so that if the bill was enacted by Congress it should embrace a complete system of laws organizing and regulating the military establishment in all its departments. A close scrutiny of the voluminous bill would have developed that its bulk was caused by inserting Army regulations which few would object to. Why, sir, the British army articles of war, which are somewhat voluminous, are re-enacted every year by Parliament in the mutiny act. Army regulations, indeed, should have the sanction of law, and hence they were reported as indicated for action. The magnitude of the bill 5499, as originally reported, discouraged many legislators from investigating its provisions.

The present session approaching its close the joint committee deemed it wise to divide the bill originally reported into two parts and let them be separately considered. In that form a new report has been made.

REORGANIZATION BILL BRIEF.

The bill we now propose, for which I now speak, embraces but seventy-four sections, containing practically all the bill originally reported, and relates to mere reorganization and reduction of the Army. There has been omitted from this bill those features relating to the transmission of all orders through the General of the Army and the prohibition of the further fabrication of arms at the Government arsenals. Those subjects, together with the mere regulation, are in the other bill, which is not pressed for action just now, but will be considered at another time. So, then, let it be understood that some necessary features of reorganization are omitted from the bill I hold in my hand. Pardon me while I present briefly some of its more salient provisions.

A PEACE ESTABLISHMENT.

The leading thought of this measure is to create an army on a peace establishment, so practical and plastic in its organization that it can be instantly developed in time of war to twice, indeed thrice, its

original strength without impairing efficiency or discipline. It has been said that our Army is top-heavy; that we have too many officers in the higher grades; that the staff departments are too numerous and too large for the line of the Army. To relieve this confusion is the great leading purpose of the bill. Under it the permanent general officers shall be two major-generals and four brigadier-generals.

GENERAL STAFF.

The Adjutant and Inspector general's departments are consolidated and called the general staff; to be composed of one brigadier-general, three colonels, six lieutenant colonels, eight majors. Captains and first lieutenants, not exceeding fifteen, to be detailed by the President.

The Quartermaster's Department to have as a permanent organization one brigadier-general, two colonels, five lieutenant colonels, eight majors. Captains and first lieutenants of the line, not exceeding thirty, to be detailed by the President.

The Subsistence department to have as a permanent organization one brigadier, one colonel, two lieutenant colonels, five majors. Captains and first lieutenants from the line, not exceeding twelve, to be detailed by the President.

The Medical department to have as a permanent organization one brigadier-general, six colonels, ten lieutenant colonels, forty-eight majors, one hundred and twenty assistant surgeons, with rank of first lieutenant for first eight years' service and captain thereafter.

Contract surgeons to be employed in the Medical department only in an emergency, upon application of the Surgeon-General and approved by the Commanding General of the Army.

The Pay department shall consist of one brigadier-general, one colonel, one lieutenant-colonel, twenty-five majors.

The Ordnance department shall have as a permanent organization one brigadier-general, two colonels, four lieutenant-colonels, eight majors, and such captains and first lieutenants of the artillery, not exceeding thirty, as the President may detail.

The Bureau of Military Justice shall have a judge-advocate-general with the rank of colonel, two judge-advocates with the rank of major, and such captains and first lieutenants of the line, not exceeding three, as may be detailed by the President.

The Signal Bureau shall consist of one signal officer with the rank of colonel, and such captains and first lieutenants from the line, not exceeding six, to be detailed by the President.

The Engineer department has not been changed.

Post-traders, after the 1st of January next, shall be abolished, and no person thereafter shall have an exclusive privilege of trading upon any military reservation or within any military camp or garrison.

In the staff departments thus enumerated by careful counting there will be a reduction of two hundred and one officers. It will be observed under this bill the permanent officers of staff departments shall not be below the rank of major. The captains and lieutenants necessary for duty will be supplied from the line by detail of the President for a period not exceeding three years at one time, and none to be detailed until they shall have served at least six years with their regiments. These details to be made from the artillery, cavalry, and infantry, respectively, as nearly equal as may be from these different corps; details for the Ordnance department to be made only from the artillery.

CHIEFS OF STAFF.

The chiefs of the general staff and of the staff departments and Corps of Engineers, when vacancies arise, shall be selected from the Army: the Chief of Engineers from the field officers of that corps, the Surgeon-General from the officers of the Medical department above the rank of an assistant surgeon, the Chief of Ordnance from the field officers of the Ordnance and Artillery. Appointments into the lowest permanent grades in the staff bureaus and departments, excepting in the Medical department, to be selected, after competitive examination, among officers who have served not less than three years in the branch of the staff in which the appointment is to be made.

THE LINE.

The line of the Army under this bill shall consist of five regiments of artillery, each regiment to have four battalions of four batteries each, with one colonel, one lieutenant-colonel, three majors, twelve captains, twenty-four first lieutenants, and twelve second lieutenants. That each battery of artillery shall consist of sixty men, including the non-commissioned officers. The cavalry shall be composed of eight regiments of four battalions each, four troops or companies to each battalion, one colonel, one lieutenant-colonel, three majors, one chaplain, twelve captains, twenty-four first lieutenants, and twelve second lieutenants. Each troop of cavalry shall have eighty-three men, including the non-commissioned officers. The corps of infantry shall have eighteen regiments, each regiment four battalions of four companies each, with one colonel, one lieutenant-colonel, three majors, one chaplain, twelve captains, twelve first and twelve second lieutenants. Each company of infantry shall have not less than eighty-eight men, including the non-commissioned officers. All regiments of the line shall have an adjutant and quartermaster, detailed from the first lieutenants of the regiment instead of in addition thereto. Now, it will be observed the fourth battalions of the different corps shall be neither officered nor manned until Congress shall so direct. The third-battalion companies of artillery and infantry shall be officered but not manned. The third-battalion companies of cavalry, all of which are now officered and manned, shall be unmanned by the President as rapidly as in his judgment the good of the public service will allow. The provision is also found that, if the President shall deem it wise, any portion of the artillery or cavalry may be equipped and employed as infantry and any portion of the infantry may be mounted for the service. This latter, indeed, does not change existing law.

PROMOTIONS.

The general officers shall be selected from the Army: major-generals from the brigadiers and brigadiers from the field officers of the line. The further provision is made that promotions from the lowest commissioned grade into that of colonel shall be made by seniority in the different lines of engineers, artillery, cavalry, and infantry, and in each of the departments of the staff.

Promotions shall not be regimentally, as heretofore, but in the entire corps of the different arms in the line of the Army. Details for staff duty shall be made by the President. These, then, sir, are substantially all the very material provisions for the reorganization of the Army. The title of the bill indicates that it is a measure to reduce as well as to reorganize the Army.

NO REDUCTION OF MEN.

Mark you, sir, no violent reduction of the rank and file of the Army is proposed nor provided in the pending measure. By the act of the 15th of June, 1870, it was provided that "there shall not be in the Army at one time more than 30,000 enlisted men." This was the law until last session the maximum of the rank and file of the Army was fixed at 25,000 enlisted men. This legislation so recent may be regarded as an authoritative expression of popular sentiment as to the size of the enlisted force of the Army. While the maximum of enlisted men is thus limited to 25,000, the President is authorized in the measure before you, when exigencies of the service require it, to fill up and man companies and battalions by transfers thereto, or to increase by transfers from one company to another, so as to make the strength of a cavalry troop 100 men and in the artillery and infantry 125.

DECREASE OF OFFICERS.

While, then, there is no decrease proposed for the effective strength of the Army, there is, it is submitted, a reasonable, fair, and necessary reduction in the officers of the Army. That you may discover this, let us look for a moment at the Army as it now is. Why, sir, you have now in service eleven different corps of the general staff.

ADJUTANT-GENERAL.

You have the Adjutant-General's department with one brigadier-general, two colonels, four lieutenant-colonels, ten majors; in all seventeen, as a permanent establishment, with several hundred enlisted men.

INSPECTOR-GENERAL.

An Inspector-General's department with one brigadier-general, three colonels, two lieutenant-colonels, one major; in all, seven, as a permanent establishment.

BUREAU OF MILITARY JUSTICE.

A bureau of military justice with one brigadier-general, eight majors, most of whom are brevetted to a higher rank, and possibly assigned to duty according to their brevets; nine officers in all.

QUARTERMASTER'S DEPARTMENT.

A quartermaster's department with one brigadier-general, four colonels, eight lieutenant-colonels, fourteen majors, thirty captains, seven military storekeepers, (captains,) being sixty-five officers in all.

SUBSISTENCE DEPARTMENT.

A subsistence department with one brigadier-general, two colonels, three lieutenant-colonels, eight majors, twelve captains; twenty-six officers in all, with one hundred and twenty-six commissary-sergeants.

PAY DEPARTMENT.

A pay department with one brigadier-general, two colonels, two lieutenant-colonels, fifty majors; fifty-five officers in all.

MEDICAL DEPARTMENT.

A medical department with one brigadier-general, six colonels, ten lieutenant-colonels, fifty majors, one hundred and twenty-five captains; one hundred and seventy-nine officers in all, with two hundred hospital stewards. There are still existing four medical storekeepers.

ENGINEERS.

A corps of engineers with one brigadier-general, six colonels, twelve lieutenant-colonels, twenty-four majors, thirty captains, twenty-six first lieutenants, ten second lieutenants; one hundred and seven officers in all, with two hundred enlisted men.

ORDNANCE DEPARTMENT.

An ordnance department with one brigadier-general, three colonels, four lieutenent-colonels, ten majors, twenty captains, sixteen first lieutenants, ten storekeepers, (captains.) Recent legislation, however, has provided for the discontinuance of ordnance storekeepers.

CHAPLAINS.

Thirty-four post and regimental chaplains, with the rank of captain.

SIGNAL SERVICE.

The signal service with one colonel and an enlisted force of four hundred and fifty-men.

STAFF OFFICERS.

In these different corps, by a careful addition you will observe, sir, there are five hundred and eighty-four commissioned officers, nine of whom have the actual rank of brigadier-general and others are brevetted to the same. There are but few lieutenants in this conspicuous array of staff officers. Why, sir, we have in the line to-day five artillery, ten cavalry, and twenty-five infantry regiments. With your eleven corps of the general staff, you have for every three regiments and a fraction a separate staff department with officers of so high grade and so numerous that it has been well said the "operations and interests of one corps are so independent from the other that the whole Army is top-heavy and to a great extent unwieldy." Turn from this picture of the staff and look at the line.

LINE.

Cavalry.—You have ten cavalry regiments, with ten colonels, ten lieutenant-colonels, thirty majors, one hundred and twenty captains, one hundred and forty first lieutenants, and one hundred and ten second lieutenants; in all 420 officers, with 7,443 enlisted force.

Artillery.—You have five artillery regiments, with five colonels, five lieutenant-colonels, fifteen majors, sixty captains, one hundred and thirty first lieutenants, and sixty-eight second lieutenants; in all 283 officers, with an enlisted force of 2,497 men.

Infantry.—You have twenty-five infantry regiments, with twenty-five colonels, twenty-five lieutenant-colonels, twenty-five majors, two hundred and fifty captains, three hundred first lieutenants, and two hundred and fifty second lieutenants; making in all 875 officers, with an enlisted force of 10,028 men.

ACTIVE LIST.

On the active list of the Army there are: one general, one lieutenant-general, three major-generals, fifteen brigadier-generals, sixty-seven colonels, eighty-six lieutenant-colonels, two hundred and forty-two majors, five hundred and eighty-nine captains, five hundred and ninety-two first lieutenants, four hundred and fifty-one second lieutenants, forty adjutants, forty regimental quartermasters; making a total of 2,127.

Thirty-four post-chaplains are not included in the above.

Now, you will observe, sir, this is a large number of officers for a peace establishment of the Army. There are, as regimental officers, forty colonels, forty lieutenant-colonels, seventy majors, four hundred and thirty captains, making a total of five hundred and eighty in all. Nine of the brigadiers, twenty-seven of the colonels, forty-six of the lieutenant-colonels, one hundred and seventy-two of the majors, one hundred and fifty-seven of the captains, belong to the general staff.

EXCESSIVE STAFF.

A general distribution of these staff officers in the line would allow to each regiment within a fraction of two colonels, more than two lieutenant-colonels, six majors, and fifteen captains. Now, sir, while I take pride in the Army of the United States, I think it is just to kindly criticise such a ponderous staff arrangement and seek to bring it more in proportion to the peace establishment of our Army and more in consonance with the views of the intelligent American people. Under the act of July 28, 1866, the Army was twenty thousand stronger than at present. Under the act of 15th July, 1870, twenty regiments have been disbanded, but no corresponding reduction has been made in your staff departments. They remain practically equal in numbers to the requirements of an army of one hundred thousand men, with no cordial sympathy between them and the active arm of the service in the field. Gentlemen may talk about injustice to the staff and its efficiency for active duty. Sir, I would not pluck a laurel from the wreath that crowns the staff departments and the staff officials of the American Army. As a member of the National Congress I make no war on them. I know our staff departments were efficient in our recent internecine strife, but now, in these days, while surrounded by the smiling arts of peace, it is becoming for us to try to restore a measure of harmony and contentment, as near as may be, between the line and the staff, and at the same time economize somewhat in the public expenditure. Why, sir, it is a fact that nearly 90 per cent. of the amount of almost a million of dollars annually appropriated for commutation in the Army is absorbed by the general staff, whose officers are usually assigned to duty in the populous centers of the country. Why, sir, let us compare our staff organization with that of the armies of Europe. We can gain entertaining instruction by the comparison:

EUROPEAN STAFF.

In France, with a regular army of 470,000 men, their staff department contains but 400 officers. In England, with a standing army of 228,624 officers and men, all duties in the staff department are performed by officers detailed from the line. In Prussia the staff corps is little more than 300 officers for an army of 800,000 men.

STAFF OF 1860.

Instructive contrast can be made between the present composition of our staff departments and their condition prior to the time the war of the rebellion increased the Army. The Adjutant-General's department, in 1860, had 13 officers, 4 less than we have now; the Inspector-General's department 2 officers, 4 less than we have now; the Bureau of Military Justice 1 officer, now 9; in the Quartermaster's Department there were 44 officers, now 65.

In the Subsistence department there were 11 officers; there are now 26. In the Medical department there were 107 officers; there are now 179, exclusive of contract surgeons. In the Pay department there were 28 paymasters; there are now 55. In the Engineer Corps they had 88 officers; we have now 107 officers. In the Ordnance department there were 55; there are now 64. By a singular coincidence, while formerly captains and lieutenants largely predominated in numbers in these departments, they now scarcely equal the field officers there.

Did the interest of the public service require the existence of our staff departments in their present permanent expensive organization, Congress and the country should not and would not complain. The contentment of the Army and the continued efficiency of the staff departments require some modification of their present organization.

STAFF CHANGES.

This remedy is one of the prominent features of the pending measure. While but two departments are consolidated, the permanent officers in these departments have been largely reduced. The field officers have been reduced 60. The lowest permanent grade in the staff department by this bill is that of major. Such captains and lieutenants as may be required are to be supplied by detail from the line of the Army.

INTERCHANGEABLE STAFF.

This, sir, is by the adoption of the policy of interchangeability from the line to the staff and from the staff to the line. This change is most material, and has for its wisdom the highest sanction. In Germany, Italy, Austria, and Russia officers are continually transferred from the line to the staff; then back to the line, except in Germany. There, when once sent back to the line, the officer may never be recalled.

GENERAL SHERMAN.

In approval of this policy a long line of distinguished officers of our Army have spoken. General Sherman, in answer to some inquiries submitted to him by the Military Committee of this House about three years ago, gave the interchangeability plan emphatic approval. I quote question and answer:

Question. In your judgment, do the duties of the Ordnance and Engineer Corps, being scientific specialties, require their separation from the ordinary routine of Army duties? Do they require seclusion, as it were, from the Army?

Answer. I think not. I think, on the contrary, that all officers of the Army, in their own interest, should know what a soldier can do, in order to know what works of defense and offense are proper. I asked of Field-Marshal von Moltke, in Prussia, who, I suppose, at this moment stands at the very head of the military profession—I said to him: "You are chief of the staff, which embraces all the staff departments of the Prussian army. You bring young officers to Berlin to school, as we send our young men to West Point. Do you ever send them to their regiments?" His reply was, "Oh, yes; they go to their regiments. We never separate an officer from troops except by way of detail. He goes back to his troops again as soon as the special service is ended. No officer is ever permanently out of the line of the army." My understanding from the conversation I had with Von Moltke and others, however, was that officers of the staff departments in the Prussian army are detached as chiefs of staff and assigned to generals of corps, generals of divisions and brigades, but that these officers are at no time for a very long period separated from the troops of the line. In other words, every staff officer is required, for a considerable period of his life, to serve with soldiers. In our Army, as I have said, an ordnance or engineer officer knows no more about commanding soldiers and of the conduct of the men who carry the muskets than other well-educated gentlemen.

OPINIONS OF ARMY OFFICERS.

In addition to this opinion of the General of the Army I will cite the names of such experienced Army officers as Generals Crook, Barry, Roberts, Wood, Kingsbury, Sully, Brannan, Heintzelman, Franklin, Hooker, Hatch, Casey, Upton, Doubleday, Stanley, Gibbon, Grierson, Buell, Hazen, McClellan, Reynolds, Hunt, and others, and shall refer to their opinions, which can be read in the RECORD at the close of my remarks. To these I could add the opinions of several Presidents and Secretaries of War were it necessary. But, sir, not only is this policy wise for efficiency and economy, for I believe it will reduce the expense of our military establishment more than half a million of dollars and very soon more than a million, but it is a measure of harmony in the Army, ultimately establishing more cordial and kindly relations between the staff and the line. No careful observer can be ignorant of the jealousies and conflicts existing and growing between the line and staff officers. The idea obtains that staff appointments give "soft snaps," in Army parlance, to the recipients, and are secured by personal favoritism and political influence. The line officer in the unattractive peace, service, of the frontier longs for a staff position, that he may get nearer civilization for himself and family, and possibly under the shadow of political friends, influential at court, rapidly secure that increased rank staff officers enjoy. To the truth of this utterance I can produce evidence piling "Pelion upon Ossa." It is submitted, then, in all confidence, the changes proposed in our staff departments are wise and should prevail.

BATTALION FORMATIONS.

Turning from the staff features of the bill, I would press upon the

attention of the House the organic propositions for the line of the Army. I have said the enlisted force is not increased or decreased; yet the system of battalion formations in the different regiments, giving to each corps of the line three battalions, all officered and but two manned until the further direction of Congress, gives more effectiveness for the men already there and facilities for increase and mobilization of the forces when exigencies occur. Already in the cavalry, under existing law, we have the three-battalion regimental organization. Experience has demonstrated its wisdom. At present you have in your cavalry an enlisted force of 7,443 men. This is to be concentrated in two battalions in the respective regiments, and distributed into sixty-four companies. When the emergency arises the third battalion is already officered and ready to be manned, thus immediately adding thirty-two companies of seventy-nine men each, giving 2,528; so in the artillery, the third battalion of four companies for each regiment, making twenty companies of sixty men each, giving 1,200 men; so with your infantry, the third battalion with four companies of eighty-eight men each for eighteen regiments, making seventy-two companies, giving 6,336 men—thus, without any increase of officers or delays for organization, giving an instant increase of effective force in the line of the Army of 10,064 men. Adding these to your 25,000 men, you have an army of about 35,000 men. Then, sir, you have on paper your fourth battalion. Organize and man it without confusion or delay; you add about 10,000 more to your enlisted force, giving you an army of nearly 50,000 men instantly organized, "armed, and equipped for the fray;" and this by authority given in an act of Congress, when it is desired, of less than ten lines in length.

Sir, I shall not pause to further comment in tedious length on other features of the bill. But, sir, I hear it said you propose a reduction of some three hundred officers and that it is harsh to turn into the world so many men trained only to be professional soldiers. I shall not long tarry to parley with this criticism. The Government is, wants to be, and ought to be, kind to its soldiery. But, sir, in these times of shrinkage in values, business embarrassments, and decreasing revenues, the paramount inquiry is, Can the Government afford to continue in service officers the public necessities do not require? It is statesmanship to look this question in the face and pass upon it as intelligent business men, heedless of the personal appeals that reach us here in Washington and elsewhere from individuals and families personally interested.

GOVERNMENTS CANNOT RETAIN SUPERNUMERARY OFFICERS.

What government out of mere sympathy retains a large army list? England musters out officers and soldiers not needed. So does France. So does Germany. So have the United States always done after its great wars. In 1815 the number of major-generals, which had been six in number, was instantly reduced to two, and the brigadiers to four from six, and they, with many of lower rank, only allowed three months' pay proper. So after the Mexican war. The President, by act of June 18, 1846, was directed to select one major-general and two brigadiers out of those then in commission and all the rest to be mustered out. So it has always been and must necessarily be, agreeably to the genius of our institutions, which abhors unnecessarily large and expensive military establishments.

In reading a speech the other day of the honorable Senator from Maine [Mr. BLAINE] I was struck with the disproportion of the officers of staff and line in the Navy to the men enlisted there. From his statistics I discover the Navy by law is limited to 7,500 men. We have there 2,020 officers, exclusive of the retired officers there, or one officer to three men and a fraction. Some prudent reform could be made of this enervating extravagance. What has been said of the Navy can be said with great emphasis of the Army. Tell me not, sir, the provision for the retirement of such officers as may become supernumerary if this bill is enacted into a law are harsh to the American soldier.

RETIRED LIST.

Pause and read the bill where it provides generous care for the supernumerary officer. I cannot tarry to dwell in detail, but observe the fortieth section; a reserve list has been established for the benefit of officers who shall be transferred from the line and the staff and not otherwise disposed of. The present legal limit of three hundred for the retired list is suspended, and every officer who has been thirty years in the service may upon his own application be placed upon the retired list; that general officers shall not be retired until after the age of sixty-five years, and not then if the President otherwise directs, and officers of other rank not until they have reached the age of sixty-two. This reserved list which has been created to make provision for officers made unnecessary by this bill is continued for three years, and any officer upon this reserved list may resign within six months from his being placed on it and receive three years' full pay for his rank. Tell me not these are harsh provisions to the officer. The Government throws its great arm gently around those whose services are no longer required and lifts them into the walks again of private life with generous aid to start in their new career. As evidence of the value of this assistance, imagine a colonel after being ten years in the service transferred to this reserved list. His annual pay would be about $4,200. Should he desire to resign he would receive three years' pay immediately, giving him more than $12,000 to start in the new battle of life. The United States Government has been more generous, and wants to be, to its soldiers than any other enlightened government. I submit the studied care for the supernumerary officer this measure gives is in keeping with the history of our legislation in this behalf. But, sir, I cannot tarry to further discuss these features.

As I look around me, I observe here as our peers generals, colonels, lieutenant-colonels, captains, lieutenants, sergeants, privates,—ay, there are men here who served in the ranks of the Army as privates in the day of trial. The men who composed the Army of the Union have been distributed and mixed up in our business society. Their interests are—what? To have a large standing army, to have an expensive military establishment? No, sir. Let it not be said then, Mr. Chairman, that those who advocate this bill are unfriendly to the Army. The Army of the United States is popular. The country owes it a great debt of gratitude, a debt which it recognizes. But, sir, who compose the Army of the United States to-day? A very respectable class of gentlemen in the rank and file, most conspicuous and gallant men command our Army; many of them won honorable distinction in the war against rebellion.

But, sir, the great mass of the Army of the Union—the rank and the file—the gallant men who bore the cause of the Union to triumph and victory, are not in the Army to-day. They have retired according to our American system to the vocations of private life. Some of them are in this Hall, making laws for the nation. They are business men; they are patriotic men. All they desire is to have such an Army as the public necessities require, so that the burdens of the people may be lightened. Some of the men whose gallantry gave popularity to the Army in the recent past suffer because of the burdens upon their business to raise a revenue to pay for an expensive military establishment. Let it not be said, then, Mr. Chairman, that these who are in favor of this reasonable, this just, this practicable modification of the present organization of the Army are hostile to those men to whom the country will always be grateful.

I shall vote most cheerfully for the provisions of this measure.

APPENDIX.

OPINION OF ARMY OFFICERS QUOTED IN THE FOREGOING.

A brief notice of the opinions of some officers favoring details for the staff and opposed to entire permanency may not be unprofitable.

General Barry thinks that permanency in the Adjutant-General's and Inspector-General's department is injurious.

General Roberts says the tendency of permanence is to destroy the Army *esprit de corps* that should run through all branches; that officers cannot be eminently and generally useful when they are unfamiliar in the duties and practical functions of the great arms of service that play the principal parts in actual war; that experience has demonstrated that the more valuable officers were developed from the general service.

General Wood says the effect of permanency is to render staff officers to some extent arrogant and offensive to the great body of the Army, and to narrow and cramp their intellects for general usefulness at first, and after a long service for their own special duties; that staff officers should not be kept at one station more than a fixed term, not long, thus securing the greatest variety and breadth of experience. Up to the grade of field officer no one should be allowed promotion without standing the test of a thorough and searching competitive examination, embracing professional acquirements, moral character, and physical ability; that such competition would beget habits of industry, studiousness, attention, and devotion to duty, of morality, temperance, and sobriety among the younger officers. This would cut off the evil of promotion by seniority and by favoritism alike.

General Kingsbury says the tendency of the policy of permanency is to narrow the views of the officer, alienate his sympathies from other branches of the service, and encourage a species of corps exclusiveness. The effect of transfers from one duty to another is to enlarge the mind, liberalize the ideas of the officer, qualify him for a wider range of duties, and better fit him for the sudden exigencies of the service.

General Sully thinks that before an officer is appointed in the staff he should serve five years in the line, and that a certain number of company officers should be selected from the line and put on duty temporarily with that branch of the staff for which they may be thought to have a particular aptness, and after sufficient probation be put on the permanent staff.

General Brannan thinks the power of transferring to the line or dropping entirely from the service should be retained in case of inefficiency or worthlessness of staff officers.

General Heintzelman thinks the effect of permanency is to make staff officers more efficient in some respects, but on the other hand from not serving with troops they lose sight of the wants and requirements of the field. No officer should be permanently attached to the staff until he has served some time with troops in the field or on the frontier. A greater freedom of detail and transfer than at present would be beneficial.

General Ord thinks that the President should be allowed to transfer officers of the same rank from the staff to the line, or the reverse, at his option. This would be a check on disbursing officers, would result in the selection of men better fitted for the places, besides giving them instruction.

General Franklin thinks that as to officers of the Quartermaster's, Commissary, and Pay departments, their duties being connected with the supplies of the troops, that those officers ought to serve with the troops at intervals; that unless the officers of the Adjutant-General's department are placed in direct communication with the troops, there grows up in them a distaste to any but the merest routine office duty. Promotions ought to be within the corps if the idea of service with the troops can be carried out. If it cannot be, then divide the promotions, above the lowest grade of the corps, between the staff and regimental officers. It would improve the status of the Army if there could be assigned, from the graduates of the Military Academy, every year, a small number of officers who would be at once rated as staff officers. They should serve two years in each arm of the line (infantry, artillery, cavalry) as company officers; should then undergo a rigid examination, and, if found qualified, should then be eligible for appointment in the lowest grades of the staff, which in some corps should be lower than at present.

General Crawford thinks that the effect of permanency in the staff is to create a corps of experts, and, where the education is necessarily scientific, it would appear to be proper that the officers should be permanent and that promotion should take place only in these corps. That is true of the Engineer's, Judge-Advocate's, and Medical departments, but in the others, except in the highest grades, to be filled

by selection, the officers should be returnable, after a term of service, to the line, thus providing for a larger class of officers instructed in staff duties to draw from in emergencies.

General Hooker says, by the system of education at the Military Academy, officers are educated in all the arms of the service alike. This rule should be extended to the staff corps and preserved in the line of the Army after they become officers. All other things being equal, that army which is the best instructed in all the branches of the service will be the most efficient, and expands more readily.

General Hatch says the effect of continuing the same officer in a particular department of the staff and allowing only promotions in the same is bad. Such officers become so assured of their positions and advancement that they lose all emulation to excel, knowing that no degree of excellence can advance them. They should be selected from the Army at large.

General Casey says, let every officer of the Army be required to pass an examination for promotion until he reaches the grade of major.

General Augur says an officer should not be put on the general staff until he is thoroughly familiar with the duties and responsibilities of a line officer.

General Upton says in special corps, like the Engineer or Medical Corps, officers are unquestionably more efficient who are educated, trained, and promoted specially for these services. But in order to increase the amount of staff knowledge in the Army, and to keep the officers of the staff corps acquainted with the wants and requirements of the line, transfers from the staff to the line, and the reverse, for a period not exceeding four years, would in the highest degree be beneficial. The duties of the adjutants and inspectors general, quartermasters, commissaries, and paymasters are in no degree scientific, and can be learned by officers detailed from the line. Promotions to the grade of first lieutenant in the Ordnance and Engineer Corps should be made, not from the Military Academy, but by competitive examination from first and second lieutenants who have served three years in the line. Cadets who graduate with high honors may become indolent, but three years' continuous preparation for examination for promotion would be highly advantageous.

General Doubleday says the present system of continuing the same officers in a special branch of the service is not beneficial, except for the Engineer, Ordnance, and Medical departments. Everything in the Army should be subordinate to the fighting element. To transfer from the line to the staff and from the staff to the line has a tendency to bind all parts of the service together, and to excite the young officers to study and to emulate each other.

General Stanley says the effect of continuing the same officers in a particular department or corps of the staff, and of allowing only promotions therein, is to produce a set of narrow-minded and inefficient men, who, enjoying great ease and comfort during peace, are totally unfitted for war. A law making transfers between line and staff, and from one staff corps to another, up to the rank of major, would stimulate ambition and promote study and efficiency. The Prussian practice is the correct one: *i. e.*, to place staff officers on the most varied duties, and especially to serve a proper time in the line. Transfers should be made between the engineers and the line when engineer officers prove unapt and the line officer gave evidence of the necessary qualifications, as proved by examinations.

General Gibbon thinks that officers should be transferred from the staff to the different arms of the line, so as to serve for a term of years in each. The staff of an army should consist of the very first brains of the service, thoroughly conversant with all its details; and such a knowledge can only be attained by service in the different arms. When a vacancy occurs it should be filled not by promotion, but by selection from all of those of the next lower grade in both line and staff, the General-in-Chief making the selection from a certain number, say three, nominated by an advisory board. This would promote efficiency, put the best ability in the staff, and restore sympathy between the staff and line. Staff positions are a prize; and thus can be obtained by the deserving. This system should be adopted only with reference to those branches of the staff corps which, from the nature of their duties, are most intimately connected with the line, namely, the Adjutant's, Quartermaster's, Subsistence, Judge-Advocate's and Inspector's departments. This method of selection should be for grades below that of colonel. All persons educated, trained, and promoted for a specialty are more efficient for that specialty, but officers of the Army are not more efficient as military officers from being so educated; their efficiency should be increased by a greater freedom of detail and transfer.

General Grierson thinks that a greater freedom of detail in the staff corps would be beneficial, for the reason that an officer educated for one branch does not know enough of other duties. An opportunity should be given officers to be transferred, and every officer should be compelled to serve a portion of his time with troops in the field.

General Crook thinks that officers being so much stationed in cities and not with troops become fossilized, and lose sight of the wants of the troops in the field. If staff officers were to go more among the troops he thinks it would be better to have them educated, trained, and promoted for specialties of the service; but under the present management a greater freedom of detail and transfer is better.

General George P. Buell thinks the continuance of staff officers in the same department or corps begets narrow-mindedness, a partiality for their own corps, until an officer may not be capable in anything else. There is no branch of the staff, except the Engineer, Medical, and Ordnance departments, that any officer of ordinary education, good sense, energy, industry, ambition, pride, and courage cannot accomplish in a few years.

General McClellan thinks that the functions of the lower grades in the various staff corps should be performed by officers detailed from the line for a period long enough to instruct them fully, and that the higher grades should be permanently filled by selections from among the best of the line officers who have been thus detailed. These details should not continue longer than four years. In this manner the knowledge of staff duties would be widely spread through the line, to the benefit of the whole service. To provide for this without injury there should be a sufficient number of supernumerary officers.

Statement showing the present and proposed organization of the Army under reorganization bill.

Corps, departments, &c.	Regiments.	Companies.	General.	Lieutenant-General.	Major-generals.	Brigadier-generals.	Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.	Chaplains.	Storekeepers.	Details.	Reduction.
General officers—																
Now			1	1	3	6										
Proposed					2	4										
Reduction			1	1	1	2										5
Adjutant-General's department now						1	2	4	10							
Inspector-General's department now						1	3	2	1							
Total of the two departments						2	5	6	11							
Proposed "general staff"						1	3	6	8						15	
Reduction						1	2		3							6
Quartermaster's Department—																
Now						1	4	8	14	30				7		
Proposed						1	2	5	8						30	
Reduction							2	3	6	30				7		48
Subsistence department—																
Now						1	2	3	8	12						
Proposed						1	1	2	5						12	
Reduction							1	1	3	12						17
Medical department—																
Now						1	6	10	50	*125				4		
Proposed						1	6	10	48	*120						
Reduction									2	5				4		11
Pay department—																
Now						1	2	2	50							
Proposed						1	1	1	25							
Reduction							1	1	25						10	27
Ordnance department—																
Now						1	3	4	10	20	16			10		
Proposed						1	2	4	8						30	
Reduction							1		2	20	16			10		48
Bureau of Military Justice and judge-advocates—																
Now						1			8							
Proposed							1		2						3	
Reduction						1			6							6
Addition							1									
Signal Bureau—																
Now							1					2			6	
Proposed							1								6	
Reduction												2				2
Post-chaplains abolished—																
Reduction													30			30
Total line officers detailed in the staff															106	
Total reduction in general and staff officers			1	1	1	4	6	5	47	†67	16	2	30	21		201
The Corps of Engineers—no change		5				1	6	12	24	30	26	10				
The artillery—																
Now	5	60					5	5	15	60	130	65				
Proposed	5	‡60					5	5	15	60	120	60				
Reduction											10	5				15
The cavalry—																
Now	10	120					10	10	30	120	140	120	2			
Proposed	8	‡96					8	8	24	96	192	96	8			

*125 assistant surgeons. † Captains and assistant surgeons. ‡ Does not include fourth battalion companies.

Statement showing the present and proposed organization of the Army, &c.—Continued.

Corps, departments, &c.	Regiments.	Companies.	General.	Lieutenant-General.	Major-generals.	Brigadier-generals.	Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.	Chaplains.	Storekeepers.	Detalls.	Reduction.	
The Cavalry—																	
Reduction	2	24	.....	.....	.....	.....	2	2	6	24	.....	24	.....	.....	.....	.....	58–58=0
Addition	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	52	.....	6	.....	.....	.....	
The infantry—																	
Now	25	250	.....	.....	.....	.....	25	25	25	250	300	250	2	.....	.....	.....	
Proposed	18	*216	.....	.....	.....	.....	18	18	54	216	216	216	18	.....	.....	.....	
Reduction	7	34	.....	.....	.....	.....	7	7	.....	34	84	34	.....	.....	.....	221	166–45=121
Addition	.....	.....	.....	.....	.....	.....	.....	.....	29	.....	.....	.....	16	.....	.....	.....	
Total reduction in the line	9	58	.....	.....	.....	.....	9	9	.....	58	42	63	.....	.....	.....	136	181–45=136
Additions to the line	.....	.....	.....	.....	.....	.....	.....	.....	23	.....	.....	.....	22	.....	.....		
Total reduction in general and staff officers	.....	.....	1	1	1	4	6	5	47	67	16	2	30	21	.....	201	
Total reduction, whole Army	9	58	1	1	1	4	15	14	24	125	58	65	8	21	.....	337	

* Does not include fourth battalion companies.

This reduction of officers would increase the efficiency and decrease the expenses of the Army.

It is fair to assume that the pay of three hundred and thirty-seven officers would amount to about $700,000 annually.

Mr. DIBRELL. Mr. Chairman, the subject of reorganizing the Army and the necessity therefor has been thoroughly discussed for the last four years. All agree that certain branches of the Army is in bad shape and legislation is necessary to reform it, while many agree that some general law should be enacted to settle the question and get the Army out of the political discussions of the day. To that end Congress at its last session enacted that a joint committee of three Senators and five Representatives should be appointed with full power to prepare and report a bill for that purpose. In pursuance of that law said joint committee was appointed, and after great pains and labor and nearly six months' time this committee have reported to both Houses of Congress the bill under consideration, a substitute for House bill 5499, as the result of their joint labor.

The friends of this bill do not claim that the bill is perfect, nor do they claim that they were a unit in favor of all its provisions, but it was the best and most perfect system or bill they could agree upon, and I am free to confess it is a great improvement on the present organization. The bill reduces the staff of all of the general officers and reduces the expenses of the Army to that extent. It provides that the offices of General and Lieutenant-General shall expire when vacated by the present incumbents, and reduces the major-generals to two and the brigadiers to four as may happen by casualties.

It embraces many new and important provisions for the proper administration of the Army, and some provisions that are now the law. While I have always believed that a large standing army in time of peace was dangerous to the liberties of the people, yet I yielded my opinions in this case as to the number of enlisted men our Army should contain, believing that the rights of the citizens were, in the main, well guarded. The number of enlisted men as stated in the bill, at twenty-five thousand, is a question upon which good men differ, but if Congress should think the number should be greater or less, that should not vitiate and destroy the whole bill. Your committee, as stated before, were not a unit upon many important questions, although they all signed the report who were present and participated in the formation of the bill. The large frontier country to guard, the trouble with the Indians, with threatened trouble upon the Mexican border, make a respectable-sized army necessary, and twenty-five thousand enlisted men, under this organization, will be an army sufficient for all contingencies that are likely to arise in the next few years.

I am pleased to state that in all of our deliberations there was nothing that smacked of politics or selfishness, but each individual member of the committee appeared to look alone to the good of the service and to the efficiency and economy in the administration of the Army.

The consolidation of the twenty-five infantry regiments by reducing the number to eighteen is certainly a great improvement over the present skeleton regiments as now composed, and disposes of one hundred and thirty-six commissioned officers in the line of the entire Army. Under the present organization, our Army in some instances looks as if it was an army of officers without enlisted men. The proof taken by the Committee on Military Affairs at the last session of this Congress will astonish those not familiar with the present organization. (See Miscellaneous Document No. 56.) The cavalry regiments are reduced to eight instead of ten, but because of the addition of another battalion there is no reduction of officers in this branch of the service, which is deemed important in view of the large frontier country that the cavalry has to protect and patrol.

The artillery regiments remain at five as at present, with a reduction of fifteen officers. It was deemed expedient not to reduce the number of artillery regiments because of their necessity in guarding and protecting our coast defenses, and as a nucleus for a larger increase in case of a war with any foreign power.

In the various staff departments the number of officers dispensed with is 201, besides 180 contract surgeons who are not to be employed except in cases of emergency as provided in the bill, making a grand total of 337 commissioned officers and the 180 contract surgeons, being a net saving of at least 450 salaried officers costing the tax-payers of the country more than a million of dollars annually.

The bill consolidates the Adjutant and Inspector General's departments into the general staff, with a saving of six officers.

It does not affect the present Signal Service organization, nor does it change or affect the organization of the Engineer's department. These departments it is believed are necessary with their present force to meet the wants of the country.

Your committee had the opinion of many of the most distinguished officers of the Army upon the subject of reorganization, many of whom submitted plans, by bill and otherwise, and from all of these, with their own experience and judgment, they have agreed upon this bill, and presented it to Congress as the result of their joint labors. They believed that eight full regiments of cavalry, well officered and manned, would be more efficient than the ten regiments under the present law. And by the addition of the fourth battalion the strength of each regiment could in an emergency be greatly increased without the expense of additional field officers; and as cavalry is much more expensive than either of the other branches of the Army it may in the near future be practicable to even reduce the number of cavalry regiments, or at least to unman the third battalions of the cavalry regiments as provided in the bill. The bill also provides that the third battalions of infantry and artillery shall not be manned until ordered hereafter. It provides for the use of the artillery and cavalry as infantry, and for the use of the infantry as cavalry, as under existing laws. It provides that no contract surgeon shall be employed except in cases of emergency, approved by the general commanding the Army. This gets rid of an abuse that has long been practiced, costing the country from one hundred and eighty to two hundred and fifty thousand dollars annually.

We have now in the Army of commissioned surgeons and assistant surgeons one hundred and ninety-two officers. We have less than one hundred and forty military stations where troops are quartered, and where a medical officer is required; and in the face of this showing there has been employed from one hundred to one hundred and twenty-five surgeons upon contract, at an average of $1,500 each per year; from four to six in this city, with a like number in other cities where their services were not needed. Why should we pay four contract surgeons $6,000 per year for services in this city where we have probably a dozen commissioned surgeons with only about two hundred soldiers on duty or stationed at this point? Let us get rid of this useless expenditure, even if it does shut out the sons of the head of the department, who have been employed as I believe unnecessarily at a great cost to the country.

I would under no circumstances deprive the soldiers of the necessary medical attendance they require, nor of medicines and supplies, but I would compel the surgeons of the Army to discharge their duties first, and if additional medical aid is wanted let the order to contract for it be approved by the general commanding the Army, and let none be employed unless actually needed. My opinion from testimony taken by the Committee on Military Affairs is that a great waste of money has been had in the Medical department of the Army, and this proviso will stop at least the above estimates.

The bill makes a large reduction in the Department of Military Justice, which is right and proper; the reviewing of courts-martial and other duties required of this department can be easily performed by the force allowed by this bill.

The reserved list for supernumerary officers was agreed upon as the best plan to dispose of the large number of surplus officers. Giving

those who may wish a chance to resign upon favorable terms, and those unfit for duty either to be mustered out with a liberal gratuity or retired, and this reserved list shall be maintained for three years or until Congress shall otherwise direct. The retired list of officers is getting to be a heavy burden to the tax-payers of the country, and the number of officers now out of the Army as well as those in, trying to get on that list, strengthens that opinion. All of the officers upon the reserved list until finally disposed of can be used in some manner, either as instructors in colleges and schools, or they may take the place of civilians now employed by the Quartermaster-General in investigating claims at a cost of $125 per month and expenses paid, or employed in the Pension Office in working off the large number of cases that have accumulated there. But it is to be hoped that they will all accept the gratuity and resign, and relieve the tax-payers to that extent. There are various other new and important features in this bill which neither time nor space will allow to be discussed now, but taking the bill as a whole it is a great improvement on the present organization. And as I opposed several things in the bill, but yielded to the opinions of the majority of the committee, I now feel bound to yield to the bill as reported to the House my unqualified support.

That there is an organized opposition to the bill none will deny. This organization is strong, and will bring to bear a powerful influence upon Congress to defeat the bill; and why? Is it because they propose a better bill? Is it because it is against the interest of the tax-payers of the country who pay the money to support the Army? I answer, emphatically, no. It is not because they propose a better plan, not because they want to lessen the expenses of the Army below that proposed in this bill. No, sir; all of this organized opposition comes from interested parties with selfish motives. It provides for the appointing of retiring boards, so that every officer placed upon the reserved or retired list may have a fair hearing, and that he shall not be dismissed or retired without a hearing, thus avoiding much complaint that annually comes to Congress of the action of what is commonly called the benzine board. We want live, energetic men in the Army, men who can stand the hardships and privations of a frontier service, and are willing to perform it. And a retiring board would naturally select the best men for the service, placing all those incapacitated upon this reserved list, either to be retired or mustered out of the service with the gratuity as provided in the bill. It also provides for promotions by seniority, which is right and proper, and prevents the appointment of civilians to life-time positions in the Army over the heads of meritorious soldiers—a practice that has been frequently adopted, but it is against good military discipline, and should not be allowed. The provision requiring an officer to serve six years in the line before he can be transferred to the staff department is a wise and judicious one, and should be adhered to.

In my advocacy of this bill I have no friends to reward or enemies to punish, but simply a duty to perform to my country and to my constituents. No personal motives have influenced me in any instance upon any vote upon any part of this bill. I have labored to try to make the Army more efficient and less expensive, and to that end have worked and for that alone. And when I see the opposition arrayed to this bill by interested parties I again warn Congress against them; and those who have taken but little interest in the matter I respectfully ask to read the testimony of the various staff and Army officers taken by the Committee on Military Affairs at the last session of the present Congress, contained in Miscellaneous Document No. 56, second session Forty-fifth Congress. There they will see from the testimony of Army officers that many companies are almost destitute of enlisted men, that some regiments are mere skeletons, and that every intelligent officer favored reorganization in some way, so as to make the Army more compact and efficient.

There you will see from the sworn testimony many abuses heaped upon the tax-payers of the country by the staff officers in the renting of quarters, receiving forage for private horses used for private purposes, appointing of sons and brothers to fat offices on good pay with easy work; in fact, a general waste of public money. And this staff department are using every means in their power to defeat this bill. They have enlisted in the crusade against the bill all the friends in this city and elsewhere of the staff and Army officers on duty in staff departments, who are opposing the interchangeable system of the bill, by which a gallant staff officer who has bravely stood the toils and troubles of a city life for a certain period shall be required to enjoy the luxury of a frontier life among the Indians and Mexicans. This would be very hard, especially on the officer who has spent twenty years' service upon the frontier in fighting Indians, to be suddenly transferred to an easy staff department at the capital. But your committee, believing it was proper that line officers should perform and understand staff duty, and that staff officers should in the same manner perform and understand the duties of a line officer, ingrafted this wise provision in the bill, which I trust will not be stricken out. This will familiarize all line officers with staff duty, will diminish red-tapeism in the Army, will give us a more efficient staff department, and add greatly to the efficiency of the service.

In that same report will be seen reasons sufficient to justify the large reduction made in the Pay department. The testimony taken shows that the paymasters the preceding year were engaged upon an average just eleven days each for two months in paying the troops during the entire year, when each paymaster, with his clerk, quarters, forage, traveling expenses, &c., costs the tax-payers, say, about $7,000 annually; and still with this showing the Paymaster-General opposed any immediate reduction of paymasters. This may be taken as about a fair sample of the amount of service performed by most of the staff departments, nearly or quite all of whom oppose any reduction of the force in their departments, and thus antagonize this whole bill.

This bill makes large reductions in the staff departments generally, because the staff is the expensive part of the Army, and in fact it is getting to believe that it is the Army, and it is absolutely necessary to check this sentiment and teach them that the people are supreme and have rights that must be obeyed. The extravagant waste of money by this large and unnecessary class of officers is a great nuisance that ought to be abated.

This bill increases the number of officers that may be detailed to colleges as instructors to seventy-six instead of thirty as now provided by law, to be distributed among the States according to population when said officers are not required for active duty in the field. This is a wise provision. By a proper distribution of these officers to the different States, instructing the youth of the country in the arts and sciences of war, many young men would thus receive a military education that might in case of war be valuable to the country, for experience has proven that no country in the world has a better citizen soldiery than has the United States, nor has any one a citizen soldiery that will more promptly respond to their country's call than ours; hence the advantages to be derived from disseminating as much military knowledge in our schools and colleges as possible.

I append herewith Executive Document No. 23, third session Forty-fifth Congress, showing the strength of the Army at various periods down to the present time, as also the number of officers, enlisted men, &c., in each branch of the service, which is made a part of my remarks:

STRENGTH OF THE ARMY.

Compilation of the annual returns of the regular Army of the United States from 1789 to 1878, showing the actual strength thereof at a stated period in each year, furnished Hon. H. B. Banning, chairman of Committee on Military Affairs, House of Representatives, in compliance with his request, dated December 21, 1878.

Date.	Arm or branch of service.	Officers.	Men.	Total.	Remarks.
Aug., 1789	Artillery and infantry	.....	672	.....	Officers not reported.
1790		.....	.....	.....	No returns.
1791		.....	.....	.....	
1792		.....	.....	.....	
1793		.....	.....	.....	
June, 1794		.....	3,578	.....	Officers not reported.
Dec., 1795	General staff	6	.....	6	
	Cavalry	9	240	249	
	Artillery	52	731	783	
	Infantry	145	2,257	2,402	
	Aggregate	212	3,228	3,440	
1796 to 1800		.....	.....	.....	No returns.

Compilation of the annual returns of the regular Army, &c.—Continued.

Date.	Arm or branch of service.	Officers.	Men.	Total.	Remarks.
Dec., 1801	General staff	10	.....	10	
	Dismounted cavalry	4	106	110	
	Artillery and engineers	103	1,517	1,620	
	Infantry	131	2,180	2,311	
	Aggregate	248	3,803	4,051	
1802		.....	.....	.....	No returns.
Dec., 1803	General staff	4	.....	4	
	Corps of Engineers	12	14	26	
	Artillery	71	1,157	1,228	
	Infantry	76	1,217	1,293	
	Surgeons and surgeons' mates	25	.....	25	
	Aggregate	188	2,388	2,576	
Dec., 1804	General staff	4	.....	4	
	Corps of Engineers	12	16	28	
	Artillery	73	1,265	1,338	
	Infantry	78	1,253	1,331	
	Surgeons and surgeons' mates	29	.....	29	
	Aggregate	196	2,534	2,730	
1805 to 1808		.....	.....	.....	No returns.
Nov., 1809	General and general staff	38	.....	38	
	Corps of Engineers	19	24	43	
	Dragoons	28	423	451	
	Artillery	91	1,927	2,018	
	Infantry	257	3,518	3,775	
	Riflemen	33	564	597	
	Recruits unattached to regiments	.....	32	32	
	Aggregate	466	6,488	6,954	
1810 & 1811		.....	.....	.....	No returns.
July, 1812		301	6,385	6,686	Composition by arms or branches of service not of record for these years.
Feb., 1813		1,476	17,560	19,036	
Sept., 1814		2,395	35,791	38,186	
Feb., 1815		2,396	31,028	33,424	
Dec., 1816	General staff	113	.....	113	
	Corps of Engineers	19	.....	19	
	Ordnance department	41	477	518	
	Artillery	209	3,121	3,330	
	Infantry	307	4,942	5,249	
	Riflemen	37	758	795	
	Aggregate	726	9,298	10,024	
Dec., 1817	General staff	115	.....	115	
	Corps of Engineers	23	101	124	
	Ordnance department	41	296	337	
	Artillery	181	2,950	3,131	
	Infantry	251	3,684	3,935	
	Riflemen	29	549	578	
	Aggregate	640	7,580	8,220	
Dec., 1818	General staff	106	.....	106	
	Department of Engineers	22	86	108	
	Ordnance department	56	295	351	
	Artillery	157	2,852	3,009	
	Infantry	271	3,185	3,456	
	Riflemen	28	618	646	
	Aggregate	640	7,036	7,676	
Dec., 1819		641	8,047	8,688	Composition by arms or branches of service not of record for this year.
1820 & 1821		.....	.....	.....	No returns.
Nov., 1822	General staff	88	.....	88	
	Corps of Engineers	22	.....	22	
	Artillery	178	1,578	1,756	
	Infantry	224	2,840	3,064	
	Ordnance men	.....	56	56	
	Recruits at rendezvous and *en route*	.....	225	225	
	Aggregate	512	4,699	5,211	
Nov., 1823	General staff	91	.....	91	
	Corps of Engineers	23	.....	23	
	Artillery	189	1,668	1,857	
	Infantry	218	2,692	2,910	
	Ordnance	4	55	59	
	Recruits at rendezvous and *en route*	.....	1,009	1,009	
	Aggregate	525	5,424	5,949	
Nov., 1824	General staff	91	.....	91	
	Corps of Engineers	22	.....	22	
	Artillery	193	1,718	1,911	
	Infantry	226	3,014	3,240	
	Ordnance men	.....	56	56	
	Orderlies	.....	16	16	
	Recruits at rendezvous and *en route*	.....	443	443	
	Aggregate	532	5,247	5,779	

Compilation of the annual returns of the regular Army, &c.—Continued.

Date.	Arm or branch of service.	Officers.	Men.	Total.	Remarks.
Nov., 1825	General staff	10	.....	10	
	Medical staff	54	.....	54	
	Pay department	15	.....	15	
	Purchasing department	3	.....	3	
	Corps of Engineers	23	.....	23	
	Topographical Engineers	10	.....	10	
	Artillery	202	1,719	1,921	
	Infantry	245	2,992	3,237	
	Orderlies	.....	16	16	
	Recruits at rendezvous and *en route*	.....	430	430	
	Aggregate	562	5,157	5,719	
Nov., 1826	General staff	12	.....	12	
	Medical staff	54	.....	54	
	Pay department	15	.....	15	
	Purchasing department	3	.....	3	
	Corps of Engineers	23	.....	23	
	Topographical Engineers	10	.....	10	
	Artillery	194	1,785	1,979	Fifty-six men supernumerary for ordnance.
	Infantry	229	3,249	3,478	
	Orderlies	.....	18	18	
	Recruits at rendezvous and *en route*	.....	217	217	
	Aggregate	540	5,269	5,809	
Nov., 1827	General staff	12	.....	12	
	Medical staff	54	.....	54	
	Pay department	15	.....	15	
	Purchasing department	3	.....	3	
	Corps of Engineers	23	.....	23	
	Topographical Engineers	10	.....	10	
	Artillery	193	1,841	2,034	Fifty-six men supernumerary for ordnance.
	Infantry	236	3,064	3,300	
	Orderlies	.....	21	21	
	Recruits at readezvous and *en route*	.....	250	250	
	Aggregate	546	5,176	5,722	
Nov., 1828	General staff	12	.....	12	
	Medical staff	54	.....	54	
	Pay department	15	.....	15	
	Purchasing department	3	.....	3	
	Corps of Engineers	23	.....	23	
	Topographical engineers	10	.....	10	
	Artillery	194	1,746	1,940	Four officers and fifty-six men supernumerary for ordnance.
	Infantry	229	2,660	2,889	
	Recruits and unattached	.....	583	583	
	Aggregate	540	4,989	5,529	
Nov., 1829	General staff	14	.....	14	
	Medical staff	54	.....	54	
	Pay department	15	.....	15	
	Purchasing department	3	.....	3	
	Corps of Engineers	26	.....	26	
	Topographical engineers	10	.....	10	
	Artillery	211	1,935	2,146	Four officers and fifty-six men supernumerary for ordnance.
	Infantry	275	3,043	3,318	
	Recruits and unattached	.....	583	583	
	Aggregate	608	5,561	6,169	
Nov., 1830	General staff	14	.....	14	
	Medical staff	54	.....	54	
	Pay department	15	.....	15	
	Purchasing department	3	.....	3	
	Corps of Engineers	27	.....	27	
	Topographical engineers	10	.....	10	
	Artillery	218	1,761	1,979	Four officers and fifty-six men supernumerary for ordnance.
	Infantry	286	3,060	3,346	
	Recruits and unattached	.....	503	503	
	Aggregate	627	5,324	5,951	
Dec., 1831	General staff	14	.....	14	
	Medical staff	54	.....	54	
	Pay department	15	.....	15	
	Purchasing department	3	.....	3	
	Corps of Engineers	26	.....	26	
	Topographical engineers	10	.....	10	
	Artillery	215	1,879	2,094	Fifty-six men supernumerary for ordnance.
	Infantry	276	3,081	3,357	
	Recruits and unattached	.....	296	296	
	Aggregate	613	5,256	5,869	
Nov., 1832	General staff	14	.....	14	
	Medical staff	64	.....	64	
	Pay department	15	.....	15	
	Purchasing department	3	.....	3	
	Corps of Engineers	22	.....	22	
	Topographical engineers	10	.....	10	
	Ordnance department	13	66	79	
	Artillery	209	1,599	1,808	
	Infantry	284	2,903	3,187	
	Mounted rangers	25	660	685	
	Recruits and unattached	.....	215	215	
	Aggregate	659	5,443	6,102	
Nov., 1833	General staff	14	.....	14	
	Medical staff	68	.....	68	
	Pay department	15	.....	15	
	Purchasing department	3	.....	3	
	Corps of Engineers	26	.....	26	
	Topographical engineers	10	.....	10	

Compilation of the annual returns of the regular Army, &c.—Continued.

Date.	Arm or branch of service.	Officers.	Men.	Total.	Remarks.
Nov., 1833	Ordnance department	14	153	167	
	Dragoons	37	356	393	
	Artillery	203	1,585	1,788	
	Infantry	276	2,979	3,255	
	Recruits and unattached	.....	673	673	
	Aggregate	666	5,746	6,412	
Nov., 1834	General staff	14	.....	14	
	Medical staff	68	.....	68	
	Pay department	15	.....	15	
	Purchasing department	3	.....	3	
	Corps of Engineers	28	.....	28	
	Topographical engineers	10	.....	10	
	Ordnance department	14	227	241	
	Dragoons	39	597	636	
	Artillery	210	1,806	2,016	
	Infantry	268	3,122	3,390	
	Recruits and unattached	.....	403	403	
	Aggregate	669	6,155	6,824	
Nov., 1835	General staff	14	.....	14	
	Medical staff	68	.....	68	
	Pay department	15	.....	12	
	Purchasing department	2	.....	2	
	Corps of Engineers	28	.....	28	
	Topographical engineers	10	.....	10	
	Ordnance department	14	214	228	
	Dragoons	40	661	701	
	Artillery	207	1,776	1,983	
	Infantry	283	3,241	3,523	
	Recruits and unattached	.....	579	579	
	Aggregate	680	6,471	7,151	
Nov., 1836	General staff	14	.....	14	
	Medical staff	76	.....	76	
	Pay department	18	.....	18	
	Purchasing department	3	.....	3	
	Corps of Engineers	22	.....	22	
	Topographical engineers	10	.....	10	
	Ordnance department	14	195	209	
	Dragoons	68	806	874	
	Artillery	187	1,519	1,706	
	Infantry	260	2,661	2,921	
	Recruits and unattached	.....	430	430	
	Aggregate	672	5,611	6,283	
Nov., 1837	General staff	13	.....	13	
	Medical staff	76	.....	76	
	Pay department	18	.....	18	
	Purchasing department	3	.....	3	
	Corps of Engineers	28	.....	28	
	Topographical engineers	10	.....	10	
	Ordnance department	14	195	209	
	Dragoons	68	1,267	1,335	
	Artillery	185	1,421	1,606	
	Infantry	227	2,891	3,118	
	Recruits and unattached	.....	1,418	1,418	
	Aggregate	642	7,192	7,834	
Nov., 1838	General staff	56	.....	56	Thirty-seven general staff officers, belonging also to regiments or corps, in the strength of which they are included, are, to avoid counting them twice, excluded from the footings on the line of "Aggregate."
	Medical staff	80	.....	80	
	Pay department	18	.....	18	
	Purchasing department	3	.....	3	
	Corps of Engineers	32	.....	32	
	Topographical engineers	29	.....	29	
	Ordnance department	28	280	308	
	Dragoons	68	1,107	1,175	
	Artillery	160	1,972	2,132	
	Infantry	264	3,759	4,023	
	Recruits and unattached	.....	834	834	
	Aggregate	701	7,952	8,653	
Nov., 1839	General staff	57	.....	57	Thirty-eight general staff officers, belonging also to regiments or corps, in the strength of which they are included, are, to avoid counting them twice, excluded from the footings on the line of "Aggregate."
	Medical department	80	.....	80	
	Pay department	19	.....	19	
	Purchasing department	3	.....	3	
	Corps of Engineers	35	.....	35	
	Topographical engineers	37	.....	37	
	Ordnance department	28	269	297	
	Dragoons	68	1,338	1,406	
	Artillery	163	1,957	2,120	
	Infantry	264	4,474	4,738	
	Recruits and unattached	.....	950	950	
	Aggregate	716	8,988	9,704	
Dec., 1840	General staff	57	.....	57	Thirty-eight general staff officers, belonging also to corps or regiments, in the strength of which they are included, are, to avoid counting them twice, excluded from the footings on the line of "Aggregate."
	Medical department	82	.....	82	
	Pay department	19	.....	19	
	Purchasing department	3	.....	3	
	Corps of Engineers	36	.....	36	
	Topographical engineers	36	.....	36	
	Ordnance department	29	269	298	
	Dragoons	73	1,302	1,375	
	Artillery	170	2,072	2,242	
	Infantry	266	4,833	5,099	
	Recruits and unattached	.....	1,361	1,361	
	Aggregate	733	9,837	10,570	

Compilation of the annual returns of the regular Army, &c.—Continued.

Date.	Arm or branch of service.	Officers	Men.	Total.	Remarks.
Nov., 1841	General staff	57	.....	57	Thirty-eight general staff officers, belonging also to corps or regiments, in the strength of which they are included, are, to avoid counting them twice, excluded from the footings on the line of "Aggregate."
	Medical department	83	.....	83	
	Pay department	19	.....	19	
	Purchasing department	3	.....	3	
	Corps of Engineers	39	.....	39	
	Topographical engineers	36	.....	36	
	Ordnance department	32	279	311	
	Dragoons	73	1,371	1,444	
	Artillery	177	2,416	2,593	
	Infantry	273	5,570	5,843	
	Recruits and unattached	.....	779	779	
	Aggregate	754	10,415	11,169	
Nov., 1842	General staff	56	.....	56	Thirty-eight general staff officers, belonging also to corps or regiments, in the strength of which they are included, are, to avoid counting them twice, excluded from the footings on the line of "Aggregate."
	Medical department	71	.....	71	
	Pay department	16	.....	16	
	Purchasing department	2	.....	2	
	Corps of Engineers	46	.....	46	
	Topographical engineers	38	.....	38	
	Ordnance department	48	287	335	
	Dragoons	74	1,193	1,267	
	Artillery	182	2,343	2,525	
	Infantry	281	5,232	5,518	
	Recruits and unattached	.....	681	681	
	West Point detachment	.....	111	111	
	Aggregate	781	9,847	10,628	
Nov., 1843	General staff	54	.....	54	Thirty-six general staff officers, belonging also to corps or regiments, in the strength of which they are included, are, to avoid counting them twice, excluded from the footings on the line of "Aggregate."
	Medical department	70	.....	70	
	Pay department	16	.....	16	
	Purchasing department	2	.....	2	
	Corps of Engineers	44	.....	44	
	Topographical engineers	40	.....	40	
	Ordnance department	50	286	336	
	Dragoons	39	593	632	
	Artillery	189	2,185	2,374	
	Infantry	300	4,298	4,598	
	Riflemen	37	571	608	
	Recruits and unattached	.....	86	86	
	West Point detachment	.....	111	111	
	Aggregate	805	8,130	8,935	
Nov., 1844	General staff	55	.....	55	Thirty-seven general staff officers, belonging also to corps or regiments, in the strength of which they are included, are, to avoid counting them twice, excluded from the footings on the line of "Aggregate."
	Medical department	71	.....	71	
	Pay department	16	.....	16	
	Purchasing department	2	.....	2	
	Corps of Engineers	44	.....	44	
	Topographical engineers	41	.....	41	
	Ordnance department	49	288	337	
	Dragoons	76	1,032	1,108	
	Artillery	190	2,046	2,237	
	Infantry	306	4,020	4,326	
	Recruits and unattached	.....	252	252	
	West Point detachment	.....	121	121	
	Aggregate	813	7,760	8,573	
Nov., 1845	General staff	51	.....	51	Thirty-four general staff officers, belonging also to corps or regiments, in the strength of which they are included, are, to avoid counting them twice, excluded from the footings on the line of "Aggregate."
	Medical department	71	.....	71	
	Pay department	16	.....	16	
	Purchasing department	2	.....	2	
	Corps of Engineers	45	.....	45	
	Topographical engineers	43	.....	43	
	Ordnance department	51	279	330	
	Dragoons	78	1,126	1,204	
	Artillery	194	2,109	2,303	
	Infantry	309	3,582	3,891	
	Recruits and unattached	.....	327	327	
	West Point detachment	.....	100	100	
	Aggregate	826	7,523	8,349	
Dec., 1846	General staff	59	.....	59	Eighteen general staff officers, belonging also to corps or regiments, in the strength of which they are included, are, to avoid counting them twice, excluded from the footings on the line of "Aggregate."
	Medical department	71	.....	71	
	Pay department	19	.....	19	
	Purchasing department	2	.....	2	
	Corps of Engineers	46	72	118	
	Topographical engineers	43	.....	43	
	Ordnance department	52	355	407	
	Dragoons	79	1,427	1,506	
	Riflemen	43	607	650	
	Artillery	187	2,877	3,064	
	Infantry	278	4,147	4,425	
	Recruits and unattached	.....	243	243	
	West Point detachment	.....	83	83	
	Aggregate	879	9,811	10,690	
Nov., 1847	General staff	.....	.....	.....	No consolidated returns for the year 1847 showing the number of officers and enlisted men in each arm or branch of the service is in possession of the War Department. The aggregate here given is taken from the report of the Adjutant-General, dated November 30, 1847.
	Medical department	.....	.....	.....	
	Pay department	.....	.....	.....	
	Military storekeepers	.....	.....	.....	
	Corps of Engineers	.....	.....	.....	
	Topographical engineers	.....	.....	.....	
	Ordnance department	.....	.....	.....	
	Dragoons	.....	.....	.....	
	Mounted riflemen	.....	.....	.....	
	Artillery	.....	.....	.....	
	Infantry	.....	.....	.....	
	Voltigeurs	.....	.....	.....	
	Recruits and unattached	.....	.....	.....	
	West Point detachment	.....	.....	.....	
	Aggregate	1,353	20,333	21,686	

Compilation of the annual returns of the regular Army, &c.—Continued.

Date.	Arm or branch of service.	Officers.	Men.	Total.	Remarks.
Nov., 1848	General staff	80	.....	80	Twenty-nine general staff officers, belonging also to corps or regiments, in the strength of which they are included, are, to avoid counting them twice, excluded from the footings on the line of "Aggregate."
	Medical department	81	.....	81	
	Pay department	31	.....	31	
	Military storekeepers	17	.....	17	
	Corps of Engineers	48	78	126	
	Topographical engineers	43	.....	43	
	Ordnance department	37	548	585	
	Dragoons	75	1,318	1,393	
	Mounted riflemen	38	351	389	
	Artillery	220	2,183	2,403	
	Infantry	288	3,850	4,138	
	Recruits and unattached	.....	645	645	
	West Point detachment	.....	133	133	
	Aggregate	929	9,106	10,035	
Nov., 1849	General staff	70	.....	70	Twenty-five general staff officers, belonging also to corps or regiments, in the strength of which they are included, are to avoid counting them twice, excluded from the footings on the line of "Aggregate."
	Medical department	92	.....	92	
	Pay department	27	.....	27	
	Military storekeepers	17	.....	17	
	Corps of Engineers	49	102	151	
	Topographical engineers	42	.....	42	
	Ordnance department	38	535	573	
	Dragoons	73	1,053	1,126	
	Mounted riflemen	39	634	673	
	Artillery	228	2,488	2,716	
	Infantry	295	3,799	4,094	
	Recruits and unattached	.....	917	917	
	West Point detachment	.....	112	112	
	Aggregate	945	9,640	10,585	
Nov., 1850	General staff	74	.....	74	Twenty-five general staff officers, belonging also to corps or regiments, in the strength of which they are included, are, to avoid counting them twice, excluded from the footings on the line of "Aggregate."
	Medical department	95	.....	95	
	Pay department	28	.....	28	
	Military storekeepers	17	.....	17	
	Corps of Engineers	48	82	130	
	Topographical engineers	41	.....	41	
	Ordnance department	38	563	601	
	Dragoons	78	1,295	1,373	
	Mounted riflemen	40	464	504	
	Artillery	221	2,513	2,734	
	Infantry	293	4,078	4,371	
	Recruits and unattached	.....	685	685	
	West Point detachment	.....	135	135	
	Aggregate	948	9,815	10,763	
Nov., 1851	General staff	71	.....	71	Fifteen general staff officers, belonging also to corps or regiments, in the strength of which they are included, are, to avoid counting them twice, excluded from the footings on the line of "Aggregate."
	Medical department	95	.....	95	
	Pay department	28	.....	28	
	Military storekeepers	17	.....	17	
	Corps of Engineers	50	86	136	
	Topographical engineers	40	.....	40	
	Ordnance department	38	287	325	
	Dragoons	77	1,286	1,363	
	Mounted riflemen	38	559	597	
	Artillery	217	2,214	2,431	
	Infantry	288	4,039	4,327	
	West Point detachment	.....	142	142	
	Recruits at depots and rendezvous	.....	981	981	
	Aggregate	944	9,594	10,538	
Nov., 1852	General officers	3	.....	3	Three assistant adjutants-general, seven assistant quartermasters, four commissaries of subsistence, four aids-de-camp, and one judge-advocate, belonging also to corps and regiments, and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Aids-de-camp to general officers	4	.....	4	
	Adjutant-General's department	14	.....	14	
	Judge-Advocate's department	1	.....	1	
	Inspector-General's department	2	.....	2	
	Quartermaster's Department	41	.....	41	
	Subsistence department	12	.....	12	
	Medical department	95	.....	95	
	Pay department	28	.....	28	
	Corps of Engineers	50	91	141	
	Topographical engineers	42	.....	42	
	Ordnance department	55	239	294	
	Dragoons	77	1,237	1,314	
	Mounted riflemen	39	688	727	
	Artillery	213	2,279	2,492	
	Infantry	300	4,514	4,814	
	Non-commissioned staff unattached to regiments	.....	59	59	
	Military Academy detachments	.....	138	138	
	Recruits at depots and rendezvous and *en route*	.....	1,000	1,000	
	Aggregate	957	10,245	11,202	
Nov., 1853	General officers	3	.....	3	Four assistant adjutants-general, six assistant quartermasters, three commissaries of subsistence, four aids-de-camp, and one judge-advocate, belonging also to corps or regiments, and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Aids-de-camp to general officers	4	.....	4	
	Adjutant-General's department	14	.....	14	
	Judge-Advocate's department	1	.....	1	
	Inspector-General's department	2	.....	2	
	Quartermaster's Department	40	.....	40	
	Subsistence engineers	12	.....	12	
	Medical department	95	.....	95	
	Pay department	28	.....	28	
	Corps of Engineers	49	88	137	
	Topographical engineers	44	.....	44	
	Ordnance department	52	256	308	
	Dragoons	76	1,200	1,276	
	Mounted riflemen	38	601	639	
	Artillery	216	2,322	2,538	
	Infantry	305	4,243	4,548	
	Non-commissioned staff unattached to regiments	.....	64	64	
	Military Academy detachments	.....	136	136	
	Recruits at depots and rendezvous and *en route*	.....	546	546	
	Aggregate	961	9,456	10,417	

Compilation of the annual returns of the regular Army, &c.—Continued.

Date.	Arm or branch of service.	Officers.	Men.	Total.	Remarks.
Nov., 1854	General officers	3	.....	3	Four assistant adjutants-general, four assistant quartermasters, three commissaries of subsistence, three aids-de-camp, and one judge-advocate, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Aids-de-camp to general officers	3	.....	3	
	Adjutant-General's department	14	.....	14	
	Judge-Advocate's department	1	.....	1	
	Inspector-General's department	2	.....	2	
	Quartermaster's Department	40	.....	40	
	Subsistence department	12	.....	12	
	Medical department	95	.....	95	
	Pay department	28	.....	28	
	Corps of Engineers	47	64	111	
	Topographical Engineers	41	.....	41	
	Ordnance department	54	310	364	
	Dragoons	77	1,240	1,317	
	Mounted riflemen	37	486	523	
	Artillery	213	2,661	2,874	
	Infantry	304	3,745	4,049	
	Non-commissioned staff unattached to regiments	.....	72	72	
	Military Academy detachments	.....	158	158	
	Recruits at depots, rendezvous, and *en route*	.....	1,053	1,053	
	Aggregate	956	9,789	10,745	
Nov., 1855	General officers	3	.....	3	Three assistant adjutants-general, seven assistant quartermasters, two commissaries of subsistence, one judge-advocate, and four aids-de-camp, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Aids-de-camp to general officers	4	.....	4	
	Adjutant-General's department	14	.....	14	
	Judge-Advocate's department	1	.....	1	
	Inspector-General's department	2	.....	2	
	Quartermaster's Department	39	.....	39	
	Subsistence department	12	.....	12	
	Medical department	95	.....	95	
	Pay department	28	.....	28	
	Corps of Engineers	44	80	124	
	Topographical Engineers	37	.....	37	
	Ordnance Department	52	248	300	
	Dragoons	71	1,391	1,462	
	Cavalry	70	1,349	1,419	
	Mounted riflemen	36	501	537	
	Artillery	210	2,967	3,177	
	Infantry	341	6,934	7,275	
	Non-commissioned staff unattached to regiments	.....	68	68	
	Military Academy detachments	.....	142	142	
	Recruits at depots, rendezvous, and *en route*	.....	1,030	1,030	
	Aggregate	1,042	14,710	15,752	
June 30, 1856.	General officers	3	.....	3	Two assistant adjutants-general, four assistant quartermasters, two commissaries of subsistence, one judge-advocate, and five aids-de-camp, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Aids-de-camp to general officers	5	.....	5	
	Adjutant-General's department	14	.....	14	
	Judge-advocate's department	1	.....	1	
	Inspectors-general	2	.....	2	
	Quartermaster's Department	39	.....	39	
	Subsistence department	12	.....	12	
	Medical department	95	.....	95	
	Pay department	28	.....	28	
	Corps of Engineers	47	92	139	
	Topographical engineers	37	.....	37	
	Ordnance department	53	244	297	
	Dragoons	74	1,309	1,383	
	Cavalry	74	1,012	1,086	
	Mounted riflemen	37	794	831	
	Artillery	214	3,202	3,416	
	Infantry	351	6,602	7,013	
	Non-commissioned staff unattached to regiments	.....	67	67	
	Military Academy detachments	.....	142	142	
	Recruits at depots, rendezvous, and *en route*	.....	966	966	
	Aggregate	1,072	14,490	15,562	
June 30, 1857.	General officers	4	.....	4	One assistant adjutant-general, four assistant quartermasters, one commissary of subsistence, one judge-advocate, and five aids-de-camp, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Aids-de-camp to general officers	5	.....	5	
	Adjutant-General's department	14	.....	14	
	Judge-Advocate's department	1	.....	1	
	Inspectors-general	2	.....	2	
	Quartermaster's Department	44	.....	44	
	Subsistence department	12	.....	12	
	Medical department	107	68	175	
	Pay department	28	.....	28	
	Corps of Engineers	47	88	135	
	Topographical Engineers	39	.....	39	
	Ordnance department	54	244	298	
	Dragoons	74	1,038	1,112	
	Cavalry	75	1,582	1,657	
	Mounted riflemen	37	694	731	
	Artillery	216	3,191	3,407	
	Infantry	350	6,225	6,575	
	Non-commissioned staff unattached to regiments	.....	72	72	
	Military Academy detachments	.....	136	136	
	Recruits at depots, rendezvous, and *en route*	.....	1,329	1,329	
	Aggregate	1,097	14,667	15,764	
June 30, 1858.	General officers	4	.....	4	One assistant adjutant-general, four assistant quartermasters, one commissary of subsistence, one judge-advocate, and five aids-de-camp, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Aids-de-camp to general officers	5	.....	5	
	Adjutant-General's department	14	.....	14	
	Judge-Advocate's department	1	.....	1	
	Inspectors-general	2	.....	2	
	Quartermaster's Department	44	.....	44	
	Subsistence department	12	.....	12	
	Medical department	107	62	169	
	Pay department	28	.....	28	
	Corps of Engineers	47	99	146	
	Topograghical Engineers	40	.....	40	
	Ordnance department	55	369	424	
	Dragoons	74	1,252	1,326	
	Cavalry	73	1,524	1,597	
	Mounted riflemen	37	740	777	

Compilation of the annual returns of the regular Army, &c.—Continued.

Date.	Arm or branch of service.	Officers.	Men.	Total.	Remarks.
June 30, 1858.	Artillery	216	3,156	3,372	
	Infantry	352	6,555	6,907	
	Non-commissioned staff unattached to regiments	.....	77	77	
	Military Academy detachments	.....	142	142	
	Recruits at depots, rendezvous, and *en route*	.....	2,423	2,423	
	Aggregate	1,099	16,399	17,498	
Dec., 1859	General officers	4	.....	4	One assistant adjutant-general, five aids-de-camp, five assistant quartermasters, one commissary of subsistence, and one judge-advocate, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Aids-de-camp to general officers	5	.....	5	
	Adjutant-General's department	14	.....	14	
	Judge-Advocate's department	1	.....	1	
	Inspectors-general	2	.....	2	
	Quartermaster's Department	44	.....	44	
	Subsistence department	12	.....	12	
	Medical department	107	59	166	
	Pay department	28	.....	28	
	Corps of Engineers	46	89	135	
	Topographical Engineers	43	.....	43	
	Ordnance department	55	399	454	
	Dragoons	73	*1,375	1,448	
	Cavalry	71	*1,553	1,624	
	Mounted riflemen	35	*964	999	
	Artillery	209	*2,961	3,170	
	Infantry	341	*7,722	8,063	
	Non-commissioned staff unattached to regiments	.....	70	70	
	Military Academy detachments	.....	166	166	
	Aggregate	1,077	15,358	16,435	
Dec, 1860	General officers	4	.....	4	Two assistant adjutants-general, four assistant quartermasters, one commissary of subsistence, one judge advocate, and five aids-de-camp, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Aids-de-camp to general officers	5	.....	5	
	Signal Officer	1	.....	1	
	Adjutant-General's department	14	.....	14	
	Judge-Advocate's department	1	.....	1	
	Inspectors-general	2	.....	2	
	Quartermaster's Department	44	.....	44	
	Subsistence department	12	.....	12	
	Medical department	115	71	186	
	Pay department	28	.....	28	
	Corps of Engineers	48	98	146	
	Topographical Engineers	45	.....	45	
	Ordnance department	59	421	480	
	Dragoons	74	*1,297	1,371	
	Cavalry	73	*1,461	1,534	
	Mounted riflemen	35	*847	882	
	Artillery	210	*2,959	3,169	
	Infantry	351	*7,849	8,200	
	Non-commissioned staff unattached to regiments	.....	77	77	
	Military Academy detachments	.....	179	179	
	Aggregate	1,108	15,259	16,367	
June, 1861	General officers	10	.....	10	
	Adjutant-General's department	16	.....	16	
	Judge-Advocate's department	1	.....	1	
	Inspector-General's department	2	.....	2	
	Signal Officer	1	.....	1	
	Quartermaster's Department	50	.....	50	
	Subsistence department	13	.....	13	
	Medical department	108	68	176	
	Pay department	25	.....	25	
	Corps of Engineers	42	99	141	
	Topographical Engineers	37	.....	37	
	Ordnance department	49	389	418	
	Cavalry†	167	3,547	3,714	Including recruits at depot, rendezvous, and *en route*.
	Artillery	180	3,425	3,605	
	Infantry	303	7,674	7,977	
	Non-commissioned staff unattached to regiments	.....	46	46	
	Military Academy detachment	.....	190	190	
	Aggregate	1,004	15,418	16,422	
1862 to 1864		.....	.....	.....	During this period the usual annual returns of the Army were suspended.
May 1, 1865	General officers	15	.....	15	
	Chief of staff to Lieutenant-General	1	.....	1	
	Adjutant-General's department	20	.....	20	
	Bureau of Military Justice	2	.....	2	
	Inspectors-general	9	.....	9	
	Quartermaster's Department	78	.....	78	
	Subsistence department	29	.....	29	
	Medical department	177	931	1,108	
	Pay department	28	.....	28	
	Corps of Engineers	85	232	317	
	Ordnance department	73	636	709	
	Cavalry	204	2,653	2,857	
	Artillery	229	4,553	4,782	
	Infantry	655	10,690	11,345	
	Non-commissioned staff unattached to regiments	.....	163	163	
	West Point detachments	.....	242	242	
	Recruits in depots, &c	.....	605	685	
	Aggregate	1,605	20,705	22,310	
1866		.....	.....	.....	No consolidated returns were made this year.
Oct. 1867	General officers	17	.....	17	Forty-three aids-de-camp, one military secretary, one judge-advocate and two assistant quartermasters, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Chief of staff to the General	1	.....	1	
	Military secretary to the Lieutenant-General	1	.....	1	
	Aids-de-camp to general officers	43	.....	43	
	Adjutant-General's department	20	.....	20	
	Inspectors-general	9	.....	9	
	Bureau of Military Justice	11	.....	11	

*Including recruits at depots, rendezvous, and *en route*. †Including dragoons and mounted riflemen.

Compilation of the annual returns of the regular Army, &c.—Continued.

Date.	Arm or branch of service.	Officers.	Men.	Total.	Remarks.
Oct., 1867	Quartermaster's Department	91	.....	91	
	Subsistence department	29	.....	29	
	Medical department	188	464	652	
	Pay department	65	.....	65	
	Corps of Engineers	106	646	752	
	Ordnance department	79	999	1,078	
	Chief Signal Officer	1	.....	1	
	Post-chaplains	30	.....	30	
	Cavalry	406	8,892	9,298	
	Artillery	303	5,095	5,398	
	Infantry	1,500	31,183	32,683	
	Non-commissioned staff unattached to regiments	.....	119	119	
	Post or brigade bands	.....	264	264	
	Military Academy detachments	.....	254	254	
	Recruits at depots, rendezvous, and *en route*	.....	6,046	6,046	
	Aggregate	2,853	53,962	56,815	
Oct., 1868	General officers	17	.....	17	Forty-three aids-de-camp, one military secretary, one judge-advocate, and one assistant quartermaster, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footing on the line of "Aggregate."
	Chief of staff to the General	1	.....	1	
	Military secretary to the Lieutenant-General	1	.....	1	
	Aids-de-camp to general officers	43	.....	43	
	Adjutant-General's department	20	.....	20	
	Inspectors-general	9	.....	9	
	Bureau of Military Justice	10	.....	10	
	Quartermaster's Department	89	.....	89	
	Subsistence department	29	.....	29	
	Medical department	173	471	644	
	Pay department	64	.....	64	
	Corps of Engineers	114	666	780	
	Ordnance department	79	1,107	1,186	
	Chief Signal Officer	1	.....	1	
	Post-chaplains	30	.....	30	
	Cavalry	424	8,780	9,204	
	Artillery	304	4,859	5,163	
	Infantry	1,473	30,102	31,575	
	Non-commissioned staff unattached to regiments	.....	119	119	
	Post or brigade bands	.....	300	300	
	Military Academy detachments	.....	259	259	
	Recruits at depots, rendezvous, and *en route*	.....	1,418	1,418	
	Aggregate	2,835	48,081	50,916	
Oct., 1869	General officers	15	.....	15	One military secretary and forty-two aids-de-camp, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Military secretary to the Lieutenant-General	1	.....	1	
	Aids-de-camp to general officers	42	.....	42	
	Adjutant-General's department	18	.....	18	
	Inspectors-general	9	.....	9	
	Bureau of Military Justice	10	.....	10	
	Quartermaster's Department	83	.....	83	
	Subsistence department	28	.....	28	
	Medical department	176	381	557	
	Pay department	65	.....	65	
	Corps of Engineers	108	600	708	
	Ordnance department	76	742	818	
	Chief Signal Officer	1	.....	1	
	Post-chaplains	24	.....	24	
	Cavalry	418	6,680	7,098	
	Artillery	315	3,997	4,312	
	Infantry	859	17,949	18,808	
	Unassigned officers of infantry	495	.....	495	
	Non-commissioned staff unattached to regiments	.....	118	118	
	Post band at Military Academy	.....	24	24	
	Military Academy detachments	.....	241	241	
	Recruits at depots, rendezvous, and *en route*	.....	3,342	3,342	
	Aggregate	2,700	34,074	36,774	
Oct, 1870	General officers	14	.....	14	One military secretary, thirty-four aids-de-camp, one assistant quartermaster, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Military secretary to the Lieutenant-General	1	.....	1	
	Aids-de-camp to general officers	34	.....	34	
	Adjutant-General's department	17	.....	17	
	Inspectors-general	8	.....	8	
	Bureau of Military Justice	10	.....	10	
	Quartermaster's Department	80	.....	80	
	Subsistence department	28	.....	28	
	Medical department	172	335	507	
	Pay department	60	.....	60	
	Corps of Engineers	105	548	653	
	Ordnance department	72	703	775	
	Chief Signal Officer	1	.....	1	
	Post-chaplains	30	.....	30	
	Cavalry	418	8,576	8,994	
	Artillery	311	3,844	4,155	
	Infantry	864	15,087	15,951	
	Unassigned officers of infantry	347	.....	347	
	Supernumerary officers	5	.....	5	
	Non-commissioned staff unattached to regiments	.....	121	121	
	Post band at Military Academy	.....	20	20	
	Military Academy detachments	.....	249	249	
	Recruits at depots, rendezvous, and *en route*	.....	4,800	4,800	
	Indian scouts	.....	251	251	
	Aggregate	2,541	34,534	37,075	
Oct., 1871	General officers	14	.....	14	One military secretary and thirty-eight aids-de-camp, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Military secretary to the Lieutenant-General	1	.....	1	
	Aids-de-camp to general officers	36	.....	36	
	Adjutant-General's department	15	.....	15	
	Inspectors-general	8	.....	8	
	Bureau of Military Justice	10	.....	10	
	Quartermaster's Department	77	.....	77	
	Subsistence department	26	.....	26	
	Medical department	167	.....	167	
	Pay department	56	.....	56	
	Corps of Engineers	98	292	390	
	Ordnance department	63	434	497	
	Chief Signal Officer	1	.....	1	

Compilation of the annual returns of the regular Army, &c.—Continued.

Date.	Arm or branch of service.	Officers.	Men.	Total.	Remarks.
Oct., 1871	Post-chaplains	30	.....	30	
	Cavalry	418	8,225	8,643	
	Artillery	292	3,119	3,411	
	Infantry	830	13,122	13,952	
	Non-commissioned staff unattached to regiments	.....	108	108	
	Post band at Military Academy	.....	24	24	
	Military Academy detachments	.....	190	190	
	Recruits at depots, rendezvous, and *en route*	.....	1,334	1,334	
	Aggregate	2,105	26,848	28,953	
Oct., 1872	General officers	13	.....	13	One military secretary and thirty-six aids-de-camp, belonging also to corps or regiments, and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Military secretary to the Lieutenant-General	1	.....	1	
	Aids de-camp to general officers	36	.....	36	
	Adjutant-General's department	15	.....	15	
	Inspectors-general	8	.....	8	
	Bureau of Military Justice	10	.....	10	
	Quartermaster's Department	70	.....	70	
	Subsistence department	26	.....	26	
	Medical department	163	.....	163	
	Pay department	54	.....	54	
	Corps of Engineers	103	282	385	
	Ordnance department	61	441	502	
	Chief Signal Officer	1	.....	1	
	Post chaplains	30	.....	30	
	Cavalry	423	7,707	8,130	
	Artillery	275	2,882	3,157	
	Infantry	852	12,810	13,662	
	Non-commissioned staff unattached to regiments	.....	116	116	
	Post band at Military Academy	.....	24	24	
	Military Academy detachments	.....	103	103	
	Recruits at depots, rendezvous, and *en route*	.....	1,706	1,706	
	Aggregate	2,104	26,071	28,175	
Oct., 1873.	General officers	11	.....	11	One military secretary and twenty-nine aids-de-camp, belonging also to corps or regiments, and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Military secretary to the Lieutenant-General	1	.....	1	
	Aids-de-camp to general officers	29	.....	29	
	Adjutant-General's department	16	.....	16	
	Inspectors-general	8	.....	8	
	Bureau of Military Justice	10	.....	10	
	Quartermaster's Department	69	.....	69	
	Subsistence department	26	.....	26	
	Medical department	158	.....	158	
	Pay department	49	.....	49	
	Corps of Engineers	106	319	425	
	Ordnance department	60	423	483	
	Chief Signal Officer	1	.....	1	
	Post chaplains	30	.....	30	
	Cavalry	426	8,088	8,514	
	Artillery	271	3,051	3,322	
	Infantry	835	13,016	13,851	
	Non-commissioned staff unattached to regiments	.....	261	261	
	Post-band at Military Academy	.....	22	22	
	Military Academy detachments	.....	178	178	
	Recruits at depots, rendezvous, and *en route*	.....	1,218	1,218	
	Aggregate	2,076	26,576	28,652	
Oct., 1874	General officers	11	.....	11	One military secretary and twenty-nine aids-de-camp, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Military secretary to the Lieutenant-General	1	.....	1	
	Aids-de-camp to general officers	29	.....	29	
	Adjutant-General's department	16	.....	16	
	Inspectors-general	8	.....	8	
	Bureau of Military Justice	10	.....	10	
	Quartermaster's Department	65	.....	65	
	Subsistence department	26	.....	26	
	Medical department	154	219	373	
	Pay department	46	.....	46	
	Corps of Engineers	104	315	419	
	Ordnance department	56	419	475	
	Chief Signal-Officer	1	.....	1	
	Post chaplains	29	.....	29	
	Cavalry	426	7,939	8,365	
	Artillery	278	2,931	3,209	
	Infantry	850	12,676	13,526	
	Non-commissioned staff unattached to regiments	.....	255	255	
	West Point detachments	.....	206	206	
	Recruits at depots	.....	511	511	
	Indian scouts	.....	420	420	
	Signal detachment	.....	473	473	
	Aggregate	2,080	26,364	28,444	
Oct., 1875	General officers	11	.....	11	One military secretary and thirty-six aids-de-camp, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Military secretary to the Lieutenant-General	1	.....	1	
	Aids-de-camp to general officers	36	.....	36	
	Adjutant-General's department	17	.....	17	
	Inspectors-general	8	.....	8	
	Bureau of Military Justice	10	.....	10	
	Quartermaster's Department	67	.....	67	
	Subsistence department	26	.....	26	
	Medical department	191	206	397	
	Pay department	53	.....	53	
	Corps of Engineers	108	268	376	
	Ordnance department	65	394	459	
	Chief Signal Officer	1	.....	1	
	Post chaplains	28	.....	28	
	Cavalry	424	6,825	7,249	
	Artillery	210	2,343	2,553	
	Infantry	849	10,447	11,296	
	Non-commissioned staff unattached to regiments	.....	255	255	
	West Point detachments	.....	225	225	
	Recruits at depots	.....	1,603	1,603	
	Indian scouts	.....	230	230	
	Signal detachment	.....	454	454	
	Aggregate	2,068	23,250	25,318	

Compilation of the annual returns of the regular Army, &c.—Continued.

Date.	Arm or branch of service.	Officers.	Men.	Total.	Remarks.
Oct., 1876	General officers	11	.....	11	One military secretary and thirty-one aids-de-camp, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Military secretary to the Lieutenant-General	1	.....	1	
	Aids-de-camp to general officers	31	.....	31	
	Adjutant-General's department	17	.....	17	
	Inspectors-General	8	.....	8	
	Bureau of Military Justice	9	.....	9	
	Quartermaster's Department	65	.....	65	
	Subsistence department	26	.....	26	
	Medical department	190	193	383	
	Pay department	53	.....	53	
	Corps of Engineers	107	245	352	
	Ordnance department	65	404	469	
	Chief Signal Officer	1	.....	1	
	Post-chaplains	30	.....	30	
	Cavalry	419	8,619	9,038	
	Artillery	279	2,615	2,894	
	Infantry	871	11,419	12,290	
	Non-commissioned staff unattached to regiments	.....	256	256	
	West Point detachments	.....	225	225	
	Recruits at depots	.....	1,395	1,395	
	Indian scouts	.....	254	254	
	Guards at military prison and recruits at artillery school	.....	82	82	
	Signal detachment	.....	422	422	
	Aggregate	2,151	26,129	28,280	
Oct., 1877	General officers	11	.....	11	One military secretary and thirty-three aids-de-camp, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Military secretary to the Lieutenant-General	1	.....	1	
	Aids-de-camp to general officers	33	.....	33	
	Adjutant-General's department	17	.....	17	
	Inspectors-general	7	.....	7	
	Bureau of Military Justice	9	.....	9	
	Quartermaster's Department	65	.....	65	
	Subsistence department	26	.....	26	
	Medical department	184	186	370	
	Pay department	55	.....	55	
	Corps of Engineers	108	199	307	
	Ordnance department	64	346	410	
	Chief Signal Officer	1	.....	1	
	Post-chaplains	30	.....	30	
	Cavalry	439	7,911	8,350	
	Artillery	284	2,321	2,605	
	Infantry	877	8,778	9,655	
	Non-commissioned staff unattached to regiments	.....	262	262	
	West Point detachments	.....	183	183	
	Recruits at depots	.....	533	533	
	Indian scouts	.....	570	570	
	Guards at military prison	.....	74	74	
	Signal Corps	.....	404	404	
	Captain in United States Army, by act of Congress	1	.....	1	
	Aggregate	2,178	21,767	23,945	
Jan. 30, 1878	General officers	11	.....	11	One military secretary and thirty-three aids-de-camp, belonging also to corps or regiments and being reported in the strength thereof, are, to avoid counting them twice, excluded as staff officers from the footings on the line of "Aggregate."
	Military secretary to the Lieutenant-General	1	.....	1	
	Aids-de-camp to general officers	33	.....	33	
	Adjutant-General's department	17	.....	17	
	Inspectors-general	7	.....	7	
	Bureau of Military Justice	9	.....	9	
	Quartermaster's Department	64	.....	64	
	Subsistence department	26	.....	26	
	Medical department	181	185	366	
	Pay department	55	.....	55	
	Corps of Engineers	108	195	303	
	Ordnance department	64	364	428	
	Chief Signal Officer	1	.....	1	
	Post-chaplains	30	.....	30	
	Cavalry	430	7,443	7,873	
	Artillery	281	2,497	2,778	
	Infantry	868	10,028	10,896	
	Non-commissioned staff unattached to regiments	.....	262	262	
	West-Point detachments	.....	192	192	
	Recruits at depots and *en route* and enlisted men unattached to regiments	.....	1,724	1,724	
	Indian scouts	.....	290	290	
	Guards at military prison	.....	74	74	
	Signal Corps	.....	411	411	
	Captain in United States Army, by act of Congress	1	.....	1	
	Aggregate	2,153	23,365	25,818	

ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., January 14, 1879.

E. D. TOWNSEND, *Adjutant-General.*

From this it will be seen that in June, 1861, we had an army of 16,422 men all told, 1,004 officers, 344 of whom were staff officers. In January, 1878, we had an army of 23,000 men, in all nearly 26,000 men, with 2,153 officers, 596 of whom are staff officers. In October, 1867, we had an army of 56,815 men, with 2,853 officers, 674 of whom were staff officers, or one staff officer to each eighty-four men in the Army as against one staff officer to each forty-three men in the Army now. While the Army has been reduced, since 1867, 31,000 men, the staff has been reduced only 78 officers. Hence I say that a much greater reduction in the various staff departments can be made than this bill proposes without the least danger of crippling the service. But they have arrayed themselves so strongly against this bill that they may even become masters of the situation and control the action of Congress in defeating it, and the honest tax-payers may still have to groan under this useless and unnecessary burden to support this useless and unnecessary number of officers, living in ease and luxury, performing little work, and receiving large salaries.

In our Army we have a commissioned officer for each ten men. In France and Germany they have a commissioned officer for each fifty men. And we should not be more extravagant in foisting an army of commissioned officers upon the tax-payers of the country than other enlightened countries do. My candid opinion is that if we had but one commissioned officer to each fifty men we would have a more efficient Army and one that would be less troublesome to the commanding officers and to the country. This bill reduces the number of officers to one for each fourteen men, or the whole number of officers to 1,818, as against 2,157 officers now commissioned, besides the 180 contract surgeons paid $1,500 each per year and various persons employed in the military service at about the same price. It also reduces the number of staff officers in all 201 and the line officers 136, including the general officers whose offices expire when vacated by them, and reduces the staff to 395 as against 596 now on duty.

This bill has the approval of a large number of the best officers in the line of our Army; they know the necessity of reorganization and suf-

fer by abuses sought to be remedied by the bill. They desire the question of reorganization settled, that Congress and the Army may be at rest so far as the Army is concerned.

I believe that the passage of this bill is the very best thing that we can do for the Army, and, believing so, I earnestly invite my friends to aid us in passing the bill. Do not vote against the bill for fear some personal friend may have to leave the Army. If he is unfit for the service he should not be there. Besides, the gratuity paid for resigning or retiring is very liberal and is ample for any ordinary emergency.

Do not vote against it because of the interchangeable system which will cause the staff to interchange with the line and *vice versa*, one of the best provisions in the bill. The line should be familiar with staff duty and the staff should certainly be familiar with the duties of a line officer and service in the field.

As before stated, I have always believed large standing armies were dangerous to the liberties of the people. I also believe that for the first half century of our national existence such an idea as that of keeping a large standing Army was never entertained by the pure and enlightened statesmen that enacted laws for our government and protection; but of later years our people, to a greater or less extent, have been educated up to the belief that a standing Army is a national necessity, and just so long as that opinion predominates Congress will have to provide the Army and the means of supporting it. But when it becomes necessary to reduce the Army, it can be accomplished much easier by the proposed organization of thirty-one regiments than with its present organization of forty skeleton regiments

Mr. HEWITT, of New York. I now ask unanimous consent that general debate be closed and that the House proceed to consider the bill under the five-minute rule.

There being no objection, it was ordered accordingly.

The Clerk proceeded to read the bill by clauses for amendment, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1880, as follows:

For expenses of the commanding general's office, $2,500.

Mr. HEWITT, of New York. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SAYLER having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House take a recess till half past seven o'clock p. m.

Mr. FRANKLIN. I move that the House adjourn.

The SPEAKER *pro tempore*. Several gentlemen desire to introduce bills, resolutions, &c., by unanimous consent; and if there be no objection, the Chair will recognize them.

Mr. EDEN. I have no objection to the Chair recognizing gentlemen for the purpose merely of introducing bills and other matters of that character; but I do object to recognizing any gentleman to put any bill on its passage.

PROCEEDINGS AGAINST MUNICIPAL CORPORATIONS.

Mr. HEWITT, of Alabama, by unanimous consent, presented a joint resolution of the General Assembly of the State of Alabama, requesting the Senators and Representatives in Congress from that State to urge the enactment of such laws as may be necessary to prevent the exercise of jurisdiction by the courts of the United States in proceedings against municipal corporations in the several States; which was referred to the Committee on the Judiciary, and ordered to be printed.

COLLECTION OF DIRECT TAXES.

Mr. BURDICK, by unanimous consent, submitted the following resolution; which was referred to the Committee of Ways and Means:

Resolved, That the Committee of Ways and Means be directed to inquire and report what legislation, if any, is necessary and expedient to enable the proper officers of the Treasury Department of the United States to collect the amount of the direct tax remaining unpaid and due from the various States and Territories apportioned to them under the act approved August 5, 1861.

Mr. BURDICK. I ask unanimous consent that a letter from the Commissioner of Internal Revenue upon the subject of this resolution be printed in the RECORD.

There was no objection; and it was ordered accordingly.

The document is as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, January 30, 1879.

SIR: In compliance with the request contained in your letter of the 29th instant, I herewith transmit to you a statement in regard to direct-tax matters that will give you an insight into the present condition of that tax. The amount remaining uncollected, you will observe, is something over $3,000,000. The machinery for its collection has disappeared for want of legislation and it is now a question with Congress whether the tax shall ever be collected.

Very respectfully,

GREEN B. RAUM, *Commissioner*.

Hon. T. W. BURDICK,
House of Representatives.

DIRECT TAX.

By the provisions of an act of Congress entitled "An act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes," approved August 5, 1861, a United States direct tax of $20,000,000 per annum was apportioned, *pro rata*, to the then existing States, Territories, and District of Columbia.

This tax, according to the original act, was to have been an annual tax, but Congress by an act approved July 1, 1862, limited the collection to that one tax until April 1, 1865, and by an act approved June 30, 1864, limited it to one year until further legislation.

Most of the Northern States and Territories formally assumed payment of their respective quotas and gave notice of their intention to pay the same. Some of them have liquidated the amounts charged against them in full, some only in part, while others have neglected to pay any part of their quota.

The following amounts still remain due, according to the records of this Department, from the loyal States and Territories.

Oregon, Utah, and Colorado have paid no part of their quotas.

	Tax due.
Kansas	$62,382 51
California	7,093 26
Oregon	35,140 66
Wisconsin	218,032 69
Utah	26,982 00
Washington Territory	3,487 17
Colorado	22,905 33
Total	376,023 62

Amount of direct tax remaining uncollected in the late insurrectionary States.

States.	Quota.	Uncollected.
Virginia	$937,550⅝	$286,499 37
North Carolina	576,194⅝	198,742 00
South Carolina	363,570⅝	152,781 35
Georgia	584,367½	501,939 86
Florida	77,522⅝	71,027 38
Alabama	529,313½	529,313 33½
Mississippi	413,084⅝	343,500 12
Louisiana	385,886⅝	71,385 83
Texas	355,016⅝	174,265 16
Arkansas	261,886	107,686 72
Tennessee	669,498	289,693 43
Total	5,153,891 33½	2,726,834 61½

The taxes in the late insurrectionary States were collected by boards of direct tax commissioners under the act of June 7, 1862, as amended. While the tax commissioners appointed under the act of June 7, 1862, were actively engaged in making assessments and collecting this tax, and had already collected about one-half the total amount apportioned to these eleven States, Congress, by an act approved July 28, 1866, authorized the suspension of further collection in these States until January 1, 1868, and collections were forthwith suspended by order of the Secretary of the Treasury.

The time specified in the act expired but the collections were not resumed; meanwhile most of the commissioners had been relieved from duty.

Again Congress, by an act approved July 23, 1868, provided for the further suspension of the collection of this tax in these States until January 1, 1869, since which no action has been taken by Congress further suspending said collections, nor have collections been resumed in any of these States.

Total amount of direct tax levied by the act of August 5, 1861, and remaining uncollected, $3,102,858.23.

CLAIM OF NORTH CAROLINA CHEROKEES.

Mr. HOOKER, by unanimous consent, presented (by request) the remonstrance of the principal chief and delegates of the Cherokee Nation objecting to bills (S. No. 230 and H. R. No. 228) authorizing the North Carolina Cherokees, citizens of North Carolina, to sue the Cherokee Nation; which was referred to the Committee on Indian Affairs.

Mr. HOOKER. I ask unanimous consent that this remonstrance be printed in the RECORD.

Mr. CONGER. I object to printing in the RECORD. Let it be printed as a document of the House, but not in the RECORD.

Mr. HOOKER. Very well. Let it be printed in that form and referred to the Committee on Indian Affairs.

There being no objection, it was ordered accordingly.

HARBOR OF REFUGE NEAR CINCINNATI.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the report of the board of engineers upon the construction of a harbor or harbors of refuge near Cincinnati; which was referred to the Committee on Commerce, and ordered to be printed.

SURVEYS FOR INTERNAL IMPROVEMENTS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting copies of reports from Major W. P. Craighill, Corps of Engineers, upon survey of bars at the entrance to Annapolis Harbor, Maryland, and upon examination of west branch of Patapsco River; which was referred to the Committee on Commerce, and ordered to be printed.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting report of survey of Manasquan River, New Jersey; which was referred to the Committee on Commerce, and ordered to be printed.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report in relation to removal of the wreck of the schooner Addie Walton from Delaware Bay; which was referred to the Committee on Commerce.

The SPEAKER *pro tempore* also laid before the House a letter from

the Secretary of War, transmitting report of the survey of landing-front at Muscatine, Iowa; which was referred to the Committee on Commerce, and ordered to be printed.

COLLECTION OF IMPORT DUTIES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, inclosing a draught of a bill to amend the laws relating to the collection of duties on imports, prepared by S. W. Burt, esq., naval officer at the port of New York; which was referred to the Committee of Ways and Means, and ordered to be printed.

MUSCLE SHOALS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a letter from Captain William R. King, Corps of Engineers, in relation to titles to land needed in the work on Muscle Shoals Canal; which was referred to the Committee on Commerce.

IMPROVEMENT OF FOX AND WISCONSIN RIVERS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a copy of a letter of the Attorney-General relative to extravagant damages awarded by local juries in State courts in cases arising out of Fox and Wisconsin River improvement acts; which was referred to the Committee on Commerce, and ordered to be printed.

REPORTS ON SAINT CROIX, CHIPPEWA, AND WISCONSIN RIVERS, ETC.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting copies of reports on the examination of the Saint Croix River, the Chippewa River, and the sources of the Mississippi, Saint Croix, Chippewa, and Wisconsin Rivers; which was referred to the Committee on Commerce, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The SPEAKER *pro tempore* also laid before the House letters from the Secretary of the Interior, relative to the Indian depredation claims of W. R. Baker, Joseph Ellis, Dennis Tryon, J. H. Keith, J. S. O'Neal, John Lowry, W. B. Blanchard, José M. Vigil, William Smith, August Travarsie, James Chaves, and James Conlon; which were severally referred to the Committee on Indian Affairs.

ANTI-POLYGAMY LAW.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting certain petitions for making effective the anti-polygamy act of 1862; which was referred to the Committee on the Judiciary, and ordered to be printed.

NEW WAR DEPARTMENT BUILDING.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting special estimate to provide for occupancy of new War Department building; which was referred to the Committee on Appropriations.

ROLL OF HONOR.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, recommending an appropriation of $20,000 for printing the revised Roll of Honor; which was referred to the Committee on Appropriations.

POINT PINOS LIGHT-STATION, CALIFORNIA.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the chairman of the Light-House Board, asking an appropriation to pay the awards, costs, &c., in the matter of proceedings in condemnation of land required for the Point Pinos light-station, California; which was referred to the Committee on Appropriations.

SUBSISTENCE DEPARTMENT.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a letter from the Commissary-General of Subsistence relative to the organization of the Subsistence department as proposed in the bill reported by the joint committee on Army reorganization; which was referred to the Committee on Military Affairs.

LIEUTENANT F. H. E. EBBSTEIN.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, recommending the passage of an act for the relief of Lieutenant F. H. E. Ebbstein; which was referred to the Committee on Military Affairs.

NATIONAL SURVEY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a letter from the Chief of Engineers respecting the plan of the national survey proposed by the Academy of Sciences; which was referred to the Committee on Appropriations, and ordered to be printed.

UNITED STATES COURTS IN COLORADO.

The SPEAKER *pro tempore* also laid before the House a memorial of the Legislature of the State of Colorado, in favor of the passage of the bill providing for the holding of terms of the United States district court at certain places in Colorado; which was laid on the table, and, on motion of Mr. PATTERSON, of Colorado, ordered to be printed in the RECORD.

The memorial is as follows:

[House joint memorial No. 2.]

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the General Assembly of the State of Colorado, respectfully recommend and urge the passage of the bill now pending in the United States Senate providing for the holding of terms of the United States district court at certain places in Colorado as a measure calculated to facilitate the administration of justice, promote the convenience of suitors, and of general benefit to the people of this State.

RIENZI STREETER,
Speaker of the House of Representatives.
H. A. W. TABOR,
President of the Senate.

Approved this 25th day of January, A. D. 1879.

FREDERICK W. PITKIN,
Governor of Colorado.

STATE OF COLORADO,
Secretary's Office, ss:

I, Norman H. Meldrum, secretary of state of the State of Colorado, do hereby certify that the above and foregoing is a true and correct copy of house joint memorial No. 2 as the same remains on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State, at the city of Denver, this 27th day of January, A. D. 1879.

[SEAL.] N. H. MELDRUM,
Secretary of State.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. METCALFE, for five days, on account of important business; and

To Mr. BRAGG, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. BUTLER, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of William Kleingotz; no adverse report having been made.

NAVAL APPROPRIATION BILL.

Mr. BLOUNT. I ask unanimous consent that the naval appropriation bill, returned from the Senate with amendments, be taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. WHITE, of Pennsylvania. I ask unanimous consent to withdraw certain papers in the case—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Missouri, [Mr. FRANKLIN,] that the House adjourn.

The question being put, the motion was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BAGLEY: The petition of citizens of Watertown, New York, for the release of steam pleasure-boats from inspection and license fees—to the Committee on Commerce.

By Mr. BICKNELL: The petition of Mrs. E. R. Day and 99 other women, of New Albany, Indiana, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. COLE: Resolutions of the Merchants' Exchange of Saint Louis, Missouri, favoring the resolutions of the Board of Trade of Kansas City relating to the settlement of lands in the Indian Territory—to the Committee on the Territories.

Also, resolutions of the Merchants' Exchange of Saint Louis, Missouri, favoring the passage of the bill to aid in constructing a military, commercial, and postal highway from the military headquarters of the United States Army at San Antonio, Texas, to the Rio Grande—to the Committee on Railways and Canals.

By Mr. COX, of Ohio: Memorial of T. Worthington, of Ohio, relating to the report of Mr. STRAIT, from the Committee on Military Affairs—to the Committee on the Judiciary.

By Mr. CUTLER: Memorial of the riparian commission of New Jersey, favoring appropriations for removing obstructions in the Delaware River—to the Committee on Commerce.

By Mr. DEAN: The petition of Sarah C. Woods and others, that the anti-polygamy law be made effective—to the Committee on the Judiciary.

By Mr. GOODE: Papers relating to the war claim of Anna Perry—to the Committee on War Claims.

By Mr. HENDERSON: The petition of Mrs. J. Eddy and 16 other women, of Rock Island, Illinois, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. HENKLE: The petition of women of Saint Mary's County, Maryland, of similar import—to the same committee.

Also, the petition of W. P. Howell, for relief from alleged unequal special taxation in the District of Columbia—to the Committee for the District of Columbia.

By Mr. HENRY: The petition of citizens of Dorchester County, Maryland, for an appropriation for the improvement of Secretary Creek—to the Committee on Commerce.

Also, the petition of citizens of Dorchester County, Maryland, for a modification of the law regulating the distillation of brandy—to the Committee of Ways and Means.

By Mr. JAMES: Resolution of the assembly of New York, against the ordnance provision of the Army reorganization bill—to the Committee on Military Affairs.

By Mr. MAYHAM: The petition of women of Kingston, New York, for such legislation as will make effective the anti-polygamy laws—to the Committee on the Judiciary.

By Mr. McMAHON: The petition of Sarah A. Kline, for a pension—to the Committee on Invalid Pensions.

By Mr. NORCROSS: The petition of Mrs. Arthur Shirley and others, of Conway, Massachusetts, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

Also, the petition of Ann M. Bryant and others, of Easthampton, Massachusetts, of similar import—to the same committee.

By Mr. PRICE: The petition of the State Temperance Alliance of Iowa, for the prohibition of the liquor traffic in the District of Columbia—to the Committee for the District of Columbia.

By Mr. RYAN: The petition of 233 women of Newton, Kansas, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

Also, the petition of women of Glencoe, Kansas, of similar import—to the same committee.

Also, the petition of James W. Lansdown, for compensation for supplies furnished to and for property destroyed by the Union forces during the war of the rebellion—to the Committee on War Claims.

By Mr. STRAIT: The petition of Mrs. Alfred Post, Mrs. Jesse Seeley, and 125 others, of Lake City, Minnesota, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. THOMPSON: The petition of women of Centreville, Pennsylvania, of similar import—to the same committee.

Also, the petition of women of Saegerstown, Pennsylvania, of similar import—to the same committee.

By Mr. WOOD: The petition of molasses-boilers of New York, that in case low grades of sugar are admitted at a duty less than is now paid molasses be admitted at five cents per gallon—to the Committee of Ways and Means.

IN SENATE.

MONDAY, *February* 3, 1879.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of DANIEL W. VOORHEES, chosen by the Legislature of Indiana a Senator from that State to fill the vacancy caused by the death of Oliver P. Morton.

The credentials were read; and the oaths prescribed by law having been administered to Mr. VOORHEES, he took his seat in the Senate.

The VICE-PRESIDENT also presented the credentials of DANIEL W. VOORHEES, chosen by the Legislature of Indiana a Senator from that State for the term beginning March 4, 1879; which were read and ordered to be filed.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General, reporting that in connection with the preparation of the lists of inscriptions for the head-stones recently erected in the national military cemeteries a revision of the Roll of Honor has been made, and recommending an appropriation of $20,000 for publishing copies of the work; which was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of the Legislature of Colorado, in favor of such action by Congress as may be necessary to throw open the reservation of the Ute Indians to settlement and the removal of the Indians therefrom; which was referred to the Committee on Indian Affairs.

He also presented the memorial of the Legislature of Colorado, in favor of the passage of a law by Congress donating to that State all the lands within her boundaries not belonging to the United States, except those known as mineral lands, for the purpose of constructing a system of irrigation adequate to reclaim those lands from their present unfruitfulness; which was referred to the Committee on Public Lands.

Mr. PADDOCK. I present a memorial of the Legislature of the State of Nebraska, now in session, and as it is very brief and relates to a subject of very great importance in the State, I ask that it be read.

The VICE-PRESIDENT. The memorial will be reported at length.

The memorial was read, as follows:

MEMORIAL AND JOINT RESOLUTION.

To the honorable the Senate and House of Representatives of the United States in Congress now assembled:

Whereas a bill has been introduced and is now pending in the Senate of the United States extending the provisions of the act of Congress of September 28, 1850, and the 2d of March, 1855, relative to swamp and overflowed lands in Nebraska and other new States; and

Whereas it is but simple justice that the new States organized since the passage of said acts and amendments should enjoy the same rights under laws while assuming the same obligations of their older sisters: Therefore,

Your memorialists, the Legislature of the State of Nebraska, would most respectfully urge upon your honorable body the passage of said bill, Senate file No. 780.

Resolved, That the secretary of state be, and is hereby, instructed to transmit two certified copies of this memorial and joint resolution to each one of our Senators and Members of Congress without delay, who are hereby requested to use all means to secure the passage of the same.

CHARLES G. MATTHEWSON,
Speaker House of Representatives.

Mr. PADDOCK. As the bill to which the memorial relates has been reported favorably from the Committee on Public Lands and is now upon the Calendar, I ask that the memorial lie on the table until that bill shall be called up.

The VICE-PRESIDENT. That order will be made.

Mr. SAUNDERS presented a joint resolution of the Legislature of Nebraska, in favor of the passage of the bill (S. No. 780) to provide for indemnity to the several States under the acts of Congress approved March 2, 1855, and March 3, 1857, relating to swamp and overflowed lands; which was ordered to lie on the table.

Mr. WITHERS. I present certain joint resolutions passed by the Legislature of Virginia on the subject of the tobacco tax. I ask that they may be reported at length, as they are very brief.

The VICE-PRESIDENT. The resolutions will be reported.

The resolutions were read, and referred to the Committee on Finance, as follows:

Resolved by the General Assembly of Virginia, 1. That while we deem the whole system of tobacco taxation unjust and oppressive upon the producer of the great staple of our section of the country, we heartily indorse the efforts of our Senators and Representatives in Congress to procure the reduction of the tax to sixteen cents a pound.

2. And that in view of the fact that business has been sorely depressed by the long delay of Congress to reach final action on the question, we invoke them to insist on a speedy disposition of it, and to employ every legitimate means to consummate the partial relief desired.

3. That a copy of these resolutions be sent to each of the Senators and Representatives of Virginia.

Mr. SHIELDS presented the petition of Ward B. Burnett, of New York, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. McMILLAN presented a memorial of the Legislature of Minnesota, in favor of an appropriation by Congress for the removal of certain bars in the bed of the Minnesota River at its mouth and junction with the Mississippi River; which was referred to the Committee on Commerce.

Mr. CHAFFEE. I present a memorial of the Legislature of Colorado, urging the passage of the bill now pending in the Senate providing for holding terms of the United States court at certain places in that State. That bill is now in the hands of a committee of conference, and I move that the memorial lie upon the table.

The motion was agreed to.

Mr. BAILEY presented a memorial of the Legislature of Tennessee, in favor of the passage of a law providing for the payment of the claim of the Methodist Episcopal Church South for the use and occupancy of their property at Nashville, in that State, by United States troops during the late war; which was ordered to lie on the table.

He also presented the petition of Sarah J. Blankenship, of Henderson County, Tennessee, praying for the passage of a law granting her arrears of pension; which was referred to the Committee on Pensions.

He also presented the petition of Elizabeth Blankenship, of Henderson County, Tennessee, praying for the passage of a law granting her arrears of pension; which was referred to the Committee on Pensions.

Mr. HEREFORD presented a joint resolution of the Legislature of West Virginia, in relation to the sale of leaf-tobacco as affected by the provisions of the revenue laws of the United States, and in favor of such a modification thereof as will authorize the producer to sell his products to any person or in any quantity whatever; which was referred to the Committee on Finance.

Mr. DAVIS, of West Virginia, presented a joint resolution of the Legislature of West Virginia, in favor of an appropriation by Congress to complete the works begun on certain rivers in that State; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of West Virginia, in favor of an appropriation for the improvement of the Little Kanawha River in that State; which was referred to the Committee on Commerce.

Mr. WALLACE presented a memorial of the Board of Trade of Philadelphia, Pennsylvania, in favor of a continuance of the appropriations for the signal service, and of an appropriation for establishing a signal station on the Delaware breakwater; which was referred to the Committee on Appropriations.

He also presented a memorial of the Board of Trade of Philadelphia, Pennsylvania, in favor of the passage of the bill (S. No. 1561) for the